



Iowa General Assembly
Daily Bills, Amendments and Study Bills
March 24, 2014

H8142	2
H8143	3
H8144	5
H8145	6
HF2454	7
HF2455	13
HF2456	24
HF2457	34
HF2458	36
HSB680	77
HSB681	79
HSB682	82
SF2342	91
SF2343	111
SF2344	115



Iowa General Assembly
Daily Bills, Amendments and Study Bills
March 24, 2014

Senate File 2301

H-8142

- 1 Amend the amendment, H-8116, to Senate File 2301,
2 as amended, passed, and reprinted by the Senate, as
3 follows:
4 1. Page 1, after line 2 by inserting:
5 <____. Page 3, lines 1 and 2, by striking <marked
6 postage paid> and inserting <marked postage paid>
7 _____. Page 3, line 3, after <envelope.> by inserting
8 <The commissioner shall properly affix postage stamps
9 issued by the United States postal service to the
10 unsealed return envelope in an amount sufficient for
11 the registered voter to return the completed absentee
12 ballot, the affidavit envelope, and return envelope to
13 the commissioner, if mailed within the United States.>>
14 2. By renumbering as necessary.

HUNTER of Polk

H8116.3494 (2) 85

-1-

aw/sc

1/1



Iowa General Assembly
Daily Bills, Amendments and Study Bills
March 24, 2014

Senate File 2239

H-8143

1 Amend the amendment, H-8119, to Senate File 2239,
2 as amended, passed, and reprinted by the Senate, as
3 follows:
4 1. Page 1, line 19, after <court.> by inserting
5 <"Caretaker" does not include a caretaker as defined in
6 section 235E.1.>
7 2. Page 2, line 44, by striking <the> and inserting
8 <a family or household member,>
9 3. Page 2, line 46, after <elder> by inserting <,
10 or other interested person>
11 4. Page 3, by striking lines 4 through 6 and
12 inserting:
13 <1. A vulnerable elder or a substitute petitioner
14 may seek relief from elder abuse>
15 5. Page 5, line 39, after <unit,> by inserting <are
16 living in the same residence,>
17 6. Page 5, line 46, after <abusing,> by inserting
18 <harassing,>
19 7. Page 5, line 48, after <abuse,> by inserting
20 <harass,>
21 8. Page 6, line 4, after <abusing,> by inserting
22 <harassing,>
23 9. Page 8, line 9, after <costs> by inserting <of
24 the vulnerable elder or substitute petitioner>
25 10. Page 9, line 24, after <uses> by inserting <or
26 diverts>
27 11. Page 10, after line 11 by inserting:
28 <____. "Caretaker" means the same as defined in
29 section 235F.1.>
30 12. Page 10, line 25, after <elder.> by inserting
31 <For the purposes of this subparagraph (3), a
32 confidential relationship does not include a legal,
33 fiduciary, or ordinary commercial or transactional
34 relationship the vulnerable elder may have with a
35 bank incorporated under the provisions of any state
36 or federal law, any savings and loan association or
37 savings bank incorporated under the provisions of
38 any state or federal law, any credit union organized
39 under the provisions of any state or federal law, any
40 attorney licensed to practice law in the state, or any
41 agent, agency, or company regulated under chapter 505,
42 508, 515, or 543B.>
43 13. By striking page 17, line 47, through page 18,
44 line 37, and inserting:
45 <DIVISION IV
46 AGENCY COLLABORATION AND REPORT
47 Sec. _____. AGENCY COLLABORATION AND REPORT. The
48 department on aging, department of human services,
49 department of inspections and appeals, and the office
50 of the attorney general shall collaborate and provide

H8119.3520 (3) 85

-1-

nh/pf

1/2



Iowa General Assembly
Daily Bills, Amendments and Study Bills
March 24, 2014

1 written recommendations on strengthening Iowa's
2 elder abuse prevention, detection, and intervention
3 efforts. To the extent possible, the departments
4 and the office shall also include relevant budgetary
5 considerations including staff and system needs, in
6 their recommendations. If the departments and the
7 office cannot reach consensus to develop a unified
8 recommendation, the director of each department and the
9 attorney general shall each provide a separate written
10 report and an explanation of the differences in the
11 proposed recommendations. The written recommendations
12 and reports shall be submitted to the general assembly,
13 the governor, and the department of management on or
14 before August 15, 2014.>
15 14. By renumbering as necessary.

BALTIMORE of Boone



Iowa General Assembly
Daily Bills, Amendments and Study Bills
March 24, 2014

Senate File 2299

H-8144

- 1 Amend Senate File 2299, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 4, after line 20 by inserting:
4 <Sec. _____. NEW SECTION. 321J.6A Mandatory blood
5 test — accident involving death.
6 1. Notwithstanding any other provision of this
7 chapter to the contrary, a person who operates a motor
8 vehicle who is involved in a motor vehicle accident or
9 collision resulting in death shall submit to a chemical
10 test of the person's blood to determine the alcohol
11 concentration or the presence of a controlled substance
12 or other drugs. The investigating peace officer shall
13 cause a test to be administered as soon as practicable
14 following the accident in the same manner as prescribed
15 in section 321J.11.
16 2. The result of the test is admissible at trial if
17 the court, after reviewing all the evidence, whether
18 gathered prior to, during, or after the test, is
19 satisfied that probable cause exists, independent of
20 the test result, to believe that the driver of the
21 motor vehicle was under the influence of an alcoholic
22 beverage or other drug or a combination of such
23 substances at the time of the accident.
24 3. If a person fails to submit to a test under
25 this section the department shall revoke the person's
26 driver's license or any nonresident operating privilege
27 as required by and for the applicable period specified
28 under section 321J.9.>
29 2. Title page, line 2, by striking <and>
30 3. Title page, line 3, after <devices,> by
31 inserting <and mandatory blood testing>
32 4. By renumbering as necessary.

HALL of Woodbury

SF2299.3534 (1) 85

-1-

rh/nh

1/1



Iowa General Assembly
Daily Bills, Amendments and Study Bills
March 24, 2014

Senate Amendment to
House File 159

H-8145

1 Amend House File 159, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 1, line 1, by striking <2013> and inserting
4 <2014>

HF159.3382.S (1) 85

-1-

jh

1/1



Iowa General Assembly
Daily Bills, Amendments and Study Bills
March 24, 2014

House File 2454 - Introduced

HOUSE FILE 2454
BY COMMITTEE ON WAYS AND MEANS

(SUCCESSOR TO HF 2401)
(SUCCESSOR TO HF 2006)

A BILL FOR

1 An Act relating to the beginning farmer tax credit program,
2 including the agricultural assets transfer tax credit
3 and the custom farming contract tax credit, by extending
4 the carryover period, and including effective date and
5 retroactive applicability provisions.
6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5548HZ (1) 85
da/rj



Iowa General Assembly
Daily Bills, Amendments and Study Bills
March 24, 2014

H.F. 2454

1 DIVISION I
2 PAST VERSIONS OF THE AGRICULTURAL ASSETS TRANSFER TAX CREDIT
3 Section 1. APPLICABILITY OF CARRYOVER PROVISIONS.
4 1. This section shall apply, notwithstanding the directive
5 to strike subsequent amendments to section 175.37, as provided
6 in 2013 Iowa Acts, chapter 125, section 25, subsection 3.
7 2. A tax credit issued, awarded, or allowed to a taxpayer
8 under section 175.37, Code 2013, that was first claimed in a
9 tax year beginning on or after January 1, 2009, and ending by
10 December 31, 2012, and that was in excess of the taxpayer's
11 liability, may be credited to the tax liability of that
12 taxpayer for the following ten tax years, beginning with the
13 tax year the tax credit was first claimed, or until depleted,
14 whichever is earlier.
15 3. The carryover provisions of this section shall continue
16 to be effective until no longer applicable, included by
17 application to tax years beginning on or after January 1, 2018.
18 Sec. 2. EFFECTIVE UPON ENACTMENT. This division of this
19 Act, being deemed of immediate importance, takes effect upon
20 enactment.
21 Sec. 3. RETROACTIVE APPLICABILITY. This division of
22 this Act applies retroactively to a tax credit first issued,
23 awarded, or allowed to a taxpayer for a tax year beginning on
24 or after January 1, 2009, and ending by December 31, 2012.

25 DIVISION II
26 CURRENT VERSION OF THE AGRICULTURAL ASSETS TRANSFER TAX
27 Sec. 4. Section 175.37, subsection 6, Code 2014, is amended
28 to read as follows:
29 6. A tax credit in excess of the taxpayer's liability
30 for the tax year may be credited to the tax liability for
31 the following ~~five~~ ten years or until depleted, whichever is
32 earlier. A tax credit shall not be carried back to a tax year
33 prior to the tax year in which the taxpayer redeems the tax
34 credit. A tax credit shall not be transferable to any other
35 person other than the taxpayer's estate or trust upon the

LSB 5548HZ (1) 85

-1-

da/rj

1/5



Iowa General Assembly
Daily Bills, Amendments and Study Bills
March 24, 2014

H.F. 2454

1 taxpayer's death.

2 Sec. 5. APPLICABILITY OF CARRYOVER PROVISIONS.

3 1. This section shall apply, notwithstanding the directive
4 to strike subsequent amendments to section 175.37, as provided
5 in 2013 Iowa Acts, chapter 125, section 25, subsection 3.

6 2. A tax credit issued, awarded, or allowed to a taxpayer
7 under section 175.37, as enacted in 2013 Iowa Acts, chapter
8 125, division I, that was first claimed in a tax year beginning
9 on or after January 1, 2013, and ending by December 31, 2017,
10 that was in excess of the taxpayer's liability, may be credited
11 to the tax liability of that taxpayer for the following ten tax
12 years, beginning with the tax year the tax credit was first
13 claimed, or until depleted, whichever is earlier.

14 3. The carryover provisions of this section shall continue
15 to be effective until no longer applicable, including by
16 application to tax years beginning on or after January 1, 2018.

17 Sec. 6. EFFECTIVE UPON ENACTMENT. This division of this
18 Act, being deemed of immediate importance, takes effect upon
19 enactment.

20 Sec. 7. RETROACTIVE APPLICABILITY. This division of
21 this Act applies retroactively to a tax credit first issued,
22 awarded, or allowed to a taxpayer for a tax year beginning on
23 or after January 1, 2013, and ending by December 31, 2017.

24 DIVISION III

25 FUTURE VERSION OF THE AGRICULTURAL ASSETS TRANSFER TAX

26 Sec. 8. APPLICABILITY OF CARRYOVER PROVISIONS.

27 Upon the repeal of amendments to section 175.37, as enacted in
28 2013 Iowa Acts, chapter 125, section 25, the following shall
29 apply: Section 175.137, subsection 7, Code 2013, is amended by
30 striking the words "five years" and inserting in lieu thereof
31 the words "ten tax years".

32 Sec. 9. EFFECTIVE DATE. This division of this Act, takes
33 effect January 1, 2018.

34 Sec. 10. APPLICABILITY. This division of this Act applies
35 to tax years beginning on or after January 1, 2018.

LSB 5548HZ (1) 85

-2-

da/rj

2/5



Iowa General Assembly
Daily Bills, Amendments and Study Bills
March 24, 2014

H.F. 2454

1 DIVISION IV
2 CUSTOM FARMING CONTRACT TAX CREDIT
3 Sec. 11. Section 175.38, subsection 9, Code 2014, is amended
4 to read as follows:
5 9. A custom farming contract tax credit in excess of the
6 taxpayer's liability for the tax year may be credited to the
7 tax liability for the following ~~five~~ ten tax years or until
8 depleted, whichever is earlier. A tax credit shall not be
9 carried back to a tax year prior to the tax year in which the
10 taxpayer redeems the tax credit. A tax credit shall not be
11 transferable to any other person other than the taxpayer's
12 estate or trust upon the taxpayer's death.
13 Sec. 12. APPLICABILITY OF CARRYOVER PROVISIONS.
14 1. A tax credit issued, awarded, or allowed to a taxpayer
15 under section 175.38, that was first claimed in a tax year
16 beginning on or after January 1, 2013, and ending by December
17 31, 2017, that was in excess of the taxpayer's liability, may
18 be credited to the tax liability of that taxpayer for the
19 following ten tax years, beginning with the tax year the tax
20 credit was first claimed, or until depleted, whichever is
21 earlier.
22 2. The carryover provisions of this section shall continue
23 to be effective until no longer applicable, including by
24 application to tax years beginning on or after January 1, 2018.
25 Sec. 13. EFFECTIVE UPON ENACTMENT. This division of this
26 Act, being deemed of immediate importance, takes effect upon
27 enactment.
28 Sec. 14. RETROACTIVE APPLICABILITY. This division of
29 this Act applies retroactively to a tax credit first issued,
30 awarded, or allowed to a taxpayer for a tax year beginning on
31 or after January 1, 2013, and ending by December 31, 2017.
32 EXPLANATION
33 The inclusion of this explanation does not constitute agreement with
34 the explanation's substance by the members of the general assembly.
35 BILL'S PROVISIONS — GENERAL. This bill extends from five

LSB 5548HZ (1) 85
da/rj

3/5



Iowa General Assembly
Daily Bills, Amendments and Study Bills
March 24, 2014

H.F. 2454

1 to 10 years the period when a taxpayer may carry over a tax
2 credit under the agricultural assets transfer tax credit (Code
3 section 175.37) and the custom farming contract tax credit
4 (Code section 175.38). Both provisions are referred to as
5 part of the beginning farmer tax credit program (Code section
6 175.36A). A tax credit carryover provision allows a taxpayer
7 who has satisfied a tax liability in one tax year to save any
8 unused amount of the tax credit for use in a subsequent tax
9 year or tax years until no amount remains or a specific number
10 of years has elapsed.

11 BILL'S PROVISIONS — AGRICULTURAL ASSETS TRANSFER TAX
12 CREDIT. For the agricultural assets transfer tax credit, the
13 bill allows the extended 10-year carryover period to apply
14 to a taxpayer filing under three different versions of Code
15 section 175.37: (1) a tax credit which was first claimed in a
16 tax year beginning on or after January 1, 2009, and ending by
17 December 31, 2012; (2) a tax credit which was or may be first
18 claimed in a tax year beginning on or after January 1, 2013,
19 and ending by December 31, 2017; and (3) a tax credit which may
20 be first claimed on or after January 1, 2018. In each case, the
21 taxpayer may continue to apply the remaining amount of a tax
22 credit that was then applicable under Code section 175.37 for
23 the following 10 tax years notwithstanding that the section may
24 have been replaced by a subsequent version.

25 BILL'S PROVISIONS — CUSTOM FARMING CONTRACT TAX CREDIT.
26 For the custom farming contract tax credit, the bill allows
27 the extended 10-year carryover period to apply to a tax credit
28 first claimed in a tax year beginning on or after January
29 1, 2013, and ending by December 31, 2017. The taxpayer may
30 continue to use any remaining amount of the tax credit in
31 future tax years, regardless of the fact that the tax credit is
32 to be eliminated on December 31, 2017.

33 BILL'S PROVISIONS — APPLICABILITY AND EFFECTIVE DATES. The
34 bill applies to each taxpayer differently depending on the
35 version of the applicable law under which the taxpayer first

LSB 5548HZ (1) 85

-4-

da/rj

4/5



Iowa General Assembly
Daily Bills, Amendments and Study Bills
March 24, 2014

H.F. 2454

1 claimed the tax credit. It applies retroactively to the tax
2 year beginning January 1, 2009, for a taxpayer who claimed
3 an agricultural assets transfer tax credit under the first
4 version of Code section 175.37. It applies retroactively to
5 the tax year beginning January 1, 2013, for a taxpayer who
6 claimed the same tax credit under the second version of Code
7 section 175.37. It also applies retroactively to the tax year
8 beginning January 1, 2013, for a taxpayer who claimed a custom
9 farming contract tax credit. The bill applies prospectively
10 to a tax year beginning on and after January 1, 2018, for a
11 taxpayer who will claim a tax credit under the third version of
12 the agricultural assets transfer tax credit. Those provisions
13 applying retroactively take effect upon enactment. The
14 provision applying prospectively takes effect on January 1,
15 2018.

16 BACKGROUND. In 2006, the general assembly enacted SF 2268
17 (2006 Iowa Acts, chapter 1161) establishing an agricultural
18 assets transfer tax credit, administered by the agricultural
19 development authority, to assist beginning farmers to acquire
20 agricultural assets by lease or rental arrangements. In 2013,
21 the general assembly enacted HF 599 (2013 Iowa Acts, chapter
22 125), creating the program which included the second version
23 of the agricultural assets transfer tax credit and the new
24 custom farming contract tax credit. HF 599 also increased from
25 \$6 million to \$12 million the ceiling limit used to support
26 the program through the issuance of tax credit certificates
27 (Code section 175.39). The program and the dollar amount
28 limit applied retroactively to tax years beginning on or after
29 January 1, 2013, and is to expire on December 31, 2017. The
30 Code editor is directed to codify the third version of the Code
31 section by restoring the tax credit with its \$6 million ceiling
32 limit to that existing immediately prior to the enactment
33 of HF 599. The custom farming contract tax credit is to be
34 eliminated on that same date.



Iowa General Assembly
Daily Bills, Amendments and Study Bills
March 24, 2014

House File 2455 - Introduced

HOUSE FILE 2455
BY COMMITTEE ON WAYS AND MEANS

(SUCCESSOR TO HF 2287)
(SUCCESSOR TO HSB 540)

A BILL FOR

1 An Act relating to the administration of the redevelopment tax
2 credits program by the economic development authority and
3 including applicability provisions.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5288HZ (2) 85
mm/sc



Iowa General Assembly
Daily Bills, Amendments and Study Bills
March 24, 2014

H.F. 2455

1 Section 1. Section 15.291, Code 2014, is amended by adding
2 the following new subsections:

3 NEW SUBSECTION. 01. *"Abandoned public building"* means a
4 vertical improvement, as defined in section 15J.1, constructed
5 for use primarily by a political subdivision of the state for a
6 public purpose and whose current use is outdated or prevents
7 a better or more efficient use of the property by the current
8 owner. *"Abandoned public building"* includes vacant, blighted,
9 obsolete, or otherwise underutilized property.

10 NEW SUBSECTION. 4A. *"Political subdivision"* means a city,
11 county, township, or school district.

12 NEW SUBSECTION. 4B. *"Previously remediated or redeveloped"*
13 means any prior remediation or redevelopment, including
14 development for which an award of tax credits under this part
15 has been made.

16 NEW SUBSECTION. 6A. *"Redevelopment tax credits program"*
17 means the tax credits program administered pursuant to sections
18 15.293A and 15.293B.

19 Sec. 2. Section 15.291, subsection 3, unnumbered paragraph
20 1, Code 2014, is amended to read as follows:

21 *"Grayfield site"* means an abandoned public building or an
22 industrial or commercial property meeting that meets all of the
23 following requirements:

24 Sec. 3. Section 15.291, subsection 6, Code 2014, is amended
25 to read as follows:

26 6. *"Qualifying redevelopment project"* means a brownfield or
27 a grayfield site being redeveloped or improved by the property
28 owner. *"Qualifying redevelopment project"* does not include a
29 previously remediated or redeveloped brownfield or grayfield
30 site.

31 Sec. 4. Section 15.293A, subsection 1, paragraph c, Code
32 2014, is amended to read as follows:

33 c. (1) Any Except as provided in subparagraph (2), any
34 tax credit in excess of the taxpayer's liability for the tax
35 year is not refundable but may be credited to the tax liability

LSB 5288HZ (2) 85

-1-

mm/sc

1/10



Iowa General Assembly
Daily Bills, Amendments and Study Bills
March 24, 2014

H.F. 2455

1 for the following five years or until depleted, whichever is
2 earlier.

3 (2) A tax credit in excess of the taxpayer's liability for
4 the tax year is refundable if all of the following conditions
5 are met:

6 (a) The taxpayer is an investor making application for tax
7 credits provided in this section and is an entity organized
8 under chapter 504 and qualifying under section 501(c)(3) of the
9 Internal Revenue Code as an organization exempt from federal
10 income tax under section 501(a) of the Internal Revenue Code.

11 (b) The taxpayer establishes during the application
12 process described in section 15.293B that the requirement in
13 subparagraph division (a) is satisfied. The authority, when
14 issuing a certificate to a taxpayer that meets the requirements
15 in this subparagraph (2), shall indicate on the certificate
16 that such requirements have been satisfied.

17 (3) A tax credit shall not be carried back to a tax year
18 prior to the tax year in which the taxpayer first receives the
19 tax credit.

20 Sec. 5. Section 15.293A, subsection 2, paragraph a, Code
21 2014, is amended by striking the paragraph.

22 Sec. 6. Section 15.293A, subsection 2, paragraph b,
23 subparagraph (1), Code 2014, is amended to read as follows:

24 (1) To claim a redevelopment tax credit under this
25 section, a taxpayer must ~~attach~~ include one or more tax credit
26 certificates ~~to with~~ the taxpayer's tax return. A tax credit
27 certificate shall not be used or ~~attached to~~ included with a
28 return filed for a taxable year beginning prior to ~~July 1, 2009~~
29 the tax year listed on the certificate.

30 Sec. 7. Section 15.293A, subsection 3, unnumbered paragraph
31 1, Code 2014, is amended to read as follows:

32 The amount of the tax credit shall ~~equal one of~~ be determined
33 by the board in conjunction with the council. However, the tax
34 credit shall not exceed the following amount, as applicable:

35 Sec. 8. Section 15.293A, subsection 6, Code 2014, is amended

LSB 5288HZ (2) 85

-2-

mm/sc

2/10



Iowa General Assembly
Daily Bills, Amendments and Study Bills
March 24, 2014

H.F. 2455

1 to read as follows:

2 ~~6. For the fiscal year beginning July 1, 2009, the maximum~~
3 ~~amount of tax credits issued by the authority shall not exceed~~
4 ~~one million dollars. For each subsequent fiscal year, the~~
5 The amount of tax credits that may be issued awarded by the
6 authority board shall be subject to the limitation in section
7 15.119.

8 Sec. 9. Section 15.293A, subsections 8, 9, 10, 11, 12, and
9 13, Code 2014, are amended by striking the subsections.

10 Sec. 10. Section 15.293B, Code 2014, is amended to read as
11 follows:

12 ~~15.293B Approval — requirements — repayment Application —~~
13 registration — agreement.

14 1. a. The authority shall develop a system for the
15 application, review, registration, and authorization of
16 projects awarded tax credits pursuant to this part and
17 shall control the issuance of all tax credit certificates to
18 investors pursuant to this part.

19 b. The authority shall accept and, in conjunction with
20 the council, review applications for tax credits pursuant to
21 provided in section 15.293A and, with the approval of the
22 council, make tax credit award recommendations regarding the
23 applications to the board.

24 c. Applications for redevelopment tax credits shall be
25 accepted during an annual application period established by the
26 authority.

27 d. Upon review of an application, the authority may
28 register the project with the redevelopment tax credits
29 program. If the authority registers the project, the authority
30 may, in conjunction with the council, make a preliminary
31 determination as to the amount of tax credit for which an award
32 recommendation will be made to the board.

33 e. After registering the project, the authority shall notify
34 the investor of successful registration under the redevelopment
35 tax credits program. The notification may include the amount



Iowa General Assembly
Daily Bills, Amendments and Study Bills
March 24, 2014

H.F. 2455

1 of tax credit for which an award recommendation will be made
2 to the board. If an award recommendation is included in the
3 notification, such notification shall include a statement that
4 the award recommendation is a recommendation only. The amount
5 of tax credit included on a tax credit certificate issued
6 pursuant to this section shall be contingent upon an award
7 by the board and upon completion of the requirements in this
8 section.

9 f. (1) All completed applications shall be reviewed and
10 scored on a competitive basis by the council and the board. In
11 reviewing and scoring applications, the council and the board
12 may consider any factors the council and board deem appropriate
13 for a competitive application process, including but not
14 limited to the financial need, quality, and feasibility of a
15 qualifying redevelopment project.

16 (2) For purposes of this paragraph:

17 (a) "Feasibility" means the likelihood that the project will
18 obtain the financing necessary to allow for full completion of
19 the project and the likelihood that the proposed redevelopment
20 or improvement that is the subject of the project will be fully
21 completed.

22 (b) "Financial need" means the difference between the total
23 costs of the project less the total financing that will be
24 received for the project.

25 (c) "Quality" means the merit of the project after
26 considering and evaluating its total characteristics and
27 measuring those characteristics in a uniform, objective manner
28 against the total characteristics of other projects that have
29 applied for the tax credit provided in section 15.293A during
30 the same annual application period.

31 g. Upon reviewing and scoring all applications that are
32 part of an annual application period, the board may award tax
33 credits provided in section 15.293A.

34 h. If the applicant for a tax credit provided in section
35 15.293A has also applied to an agency of the federal government

LSB 5288HZ (2) 85

-4-

mm/sc

4/10



Iowa General Assembly
Daily Bills, Amendments and Study Bills
March 24, 2014

H.F. 2455

1 or to the authority, the board, or any other agency of state
2 government for additional financial assistance, the authority,
3 the council, and the board shall consider the amount of funding
4 to be received from such public sources when making a tax
5 credit award pursuant to this section.

6 i. An applicant that is unsuccessful in receiving a tax
7 credit award during an annual application period may make
8 additional applications during subsequent annual application
9 periods. Such applicants shall be required to submit a new
10 application and shall be competitively reviewed and scored in
11 the same manner as other applicants in that annual application
12 period.

13 2. An investor applying for a tax credit shall provide the
14 authority with all of the following:

15 a. Information showing the total costs of the qualifying
16 redevelopment project, including the costs of land acquisition,
17 cleanup, and redevelopment.

18 b. Information about the financing sources of the investment
19 which are directly related to the qualifying redevelopment
20 project for which the ~~taxpayer~~ investor is seeking approval for
21 a tax credit, ~~as provided in section 15.293A.~~

22 c. Any other information deemed necessary by the board and
23 the council to review and score the application pursuant to
24 subsection 1.

25 3. If ~~a taxpayer receives an investor is awarded a tax~~
26 ~~credit pursuant to section 15.293A, but this section, the~~
27 ~~authority and the investor shall enter into an agreement~~
28 ~~concerning the qualifying redevelopment project. If the~~
29 ~~investor fails to comply with any of the requirements of the~~
30 ~~agreement, the taxpayer loses any right to the tax credit,~~
31 ~~and the authority may find the investor in default under the~~
32 ~~agreement and may revoke all or a portion of the tax credit~~
33 ~~award. The department of revenue, upon notification by the~~
34 ~~authority of an event of default, shall seek recovery repayment~~
35 ~~of the value of the any such tax credit received already~~



Iowa General Assembly
Daily Bills, Amendments and Study Bills
March 24, 2014

H.F. 2455

1 claimed in the same manner as provided in section 15.330,
2 subsection 2.

3 ~~4. This section is repealed on June 30, 2021. A registered~~
4 project shall be completed within thirty months of the date the
5 project was registered unless the authority provides additional
6 time to complete the project. A project shall not be provided
7 more than twelve months of additional time. If the registered
8 project is not completed within the time required, the project
9 is not eligible to claim a tax credit provided in section
10 15.293A.

11 5. a. Upon completion of a registered project, an audit
12 of the project, completed by an independent certified public
13 accountant licensed in this state, shall be submitted to the
14 authority.

15 b. Upon review of the audit and verification of the amount
16 of the qualifying investment, the authority may issue a tax
17 credit certificate to the investor stating the amount of tax
18 credit under section 15.293A the investor may claim.

19 6. The authority, in conjunction with the department of
20 revenue, shall adopt rules to administer the redevelopment tax
21 credits program.

22 Sec. 11. Section 15.294, subsection 4, Code 2014, is amended
23 to read as follows:

24 4. The council, in conjunction with the authority, shall
25 consider applications for redevelopment tax credits as
26 described provided in sections section 15.293A and 15.293B,
27 and may recommend to the authority which applications to
28 approve and the amount of such tax credits that each project is
29 eligible to receive should be awarded by the board.

30 Sec. 12. APPLICABILITY. This Act applies to qualifying
31 redevelopment projects for which a redevelopment tax credit
32 is awarded on or after the effective date of this Act, and
33 qualifying redevelopment projects for which a redevelopment
34 tax credit was awarded prior to the effective date of this Act
35 shall be governed by sections 15.291, 15.293A, and 15.293B,



Iowa General Assembly
Daily Bills, Amendments and Study Bills
March 24, 2014

H.F. 2455

1 Code 2014.

2 EXPLANATION

3 The inclusion of this explanation does not constitute agreement with
4 the explanation's substance by the members of the general assembly.

5 This bill makes several changes to the redevelopment tax
6 credits program administered by the economic development
7 authority (EDA).

8 The bill defines the "redevelopment tax credits program"
9 to be the tax credits program administered pursuant to Code
10 sections 15.293A and 15.293B.

11 The bill affects the qualification of redevelopment projects
12 under the redevelopment tax credits program (program) by
13 amending the definition of "grayfield site" to include an
14 abandoned public building, and by specifying that a previously
15 remediated or redeveloped brownfield site, which does not
16 qualify for the program, means any prior remediation or
17 redevelopment, including redevelopment for which an award of
18 tax credits has been made under the program. "Abandoned public
19 building" and related terms are defined in the bill.

20 The bill amends the tax credit application and award
21 process. The bill provides that tax credit applications shall
22 be accepted by the EDA during an annual application period
23 established by the EDA. After an application is received, the
24 EDA may register the project under the program and may make a
25 preliminary determination as to the amount of tax credit for
26 which an award recommendation will be made to the economic
27 development authority board (board). The EDA then notifies
28 the investor of successful registration and, if applicable,
29 the amount of tax credit for which an award recommendation
30 will be made to the board. All applications that are part of
31 that annual application period are required to be reviewed and
32 scored on a competitive basis by the brownfield redevelopment
33 advisory council (council) and the board. In reviewing and
34 scoring applications, the council and the board are allowed to
35 consider any factors they deem appropriate for a competitive

LSB 5288HZ (2) 85

-7-

mm/sc

7/10



Iowa General Assembly
Daily Bills, Amendments and Study Bills
March 24, 2014

H.F. 2455

1 application process, including but not limited to the financial
2 need, quality, and feasibility of a project.

3 The bill provides that if an applicant is unsuccessful in
4 receiving a tax credit award from the board during one annual
5 application period, the applicant may apply in a subsequent
6 annual application period provided the applicant submits a new
7 application and is competitively reviewed and scored in the
8 same manner as other applicants in that annual application
9 period.

10 The bill requires a tax credit application to include any
11 information deemed necessary by the board and the council to
12 appropriately review and score the application, in addition to
13 the information already required under Iowa law relating to the
14 project's total costs and financing sources. The bill strikes
15 language requiring the EDA to maintain a wait list for tax
16 credits.

17 The bill strikes the provision requiring that if a
18 redevelopment tax credit recipient has also applied to the
19 state for additional financial assistance, the state shall not
20 consider the receipt of the tax credit when considering the
21 application for additional financial assistance and instead
22 provides that if a redevelopment tax credit applicant also
23 applies to a federal or state agency for additional financial
24 assistance, the EDA and the board shall consider the amount
25 of funding from these public sources when making a tax credit
26 award.

27 The bill amends the amount of the tax credit. Under
28 current law, the amount of the tax credit is equal to a certain
29 percentage of the investor's qualifying investment depending
30 on whether the project is located on a grayfield site or a
31 brownfield site and whether or not the project meets green
32 development requirements. The bill provides that the amount
33 of the tax credit shall be an amount determined by the board
34 in conjunction with the council, but shall not exceed those
35 percentages already provided under current law. The bill



Iowa General Assembly
Daily Bills, Amendments and Study Bills
March 24, 2014

H.F. 2455

1 provides that the amount of tax credit included on a tax credit
2 certificate shall be contingent on an award by the board, and
3 on the completion of an audit of the project which audit is
4 already required under Iowa law.

5 The bill requires agreements under the program. An investor
6 awarded tax credits is required to enter into an agreement
7 with the EDA concerning the qualifying redevelopment project.
8 The bill amends language relating to a taxpayer's loss of
9 any right to a tax credit for failure to comply with any
10 requirements, to specify that if an investor fails to comply
11 with any requirements of the agreement, the authority may find
12 the investor in default and revoke all or a portion of the
13 tax credit award. If recovery of a claimed tax credit by the
14 department of revenue (DOR), as required under current law,
15 is necessary for failure to maintain the requirements of an
16 agreement, the bill provides that such recovery shall be in
17 the same manner as provided in Code section 15.330, subsection
18 2, which relates to the recovery of incentives under the high
19 quality jobs program.

20 The bill amends the process of claiming the tax credits
21 by allowing the currently nonrefundable tax credits to be
22 refundable, but only to nonprofit organizations under certain
23 conditions. In order for tax credits to qualify as refundable,
24 a nonprofit organization must be an investor applying for
25 the tax credits, must be organized under Code chapter 504,
26 must qualify as a tax-exempt organization under section
27 501(c)(3) of the Internal Revenue Code, and must establish
28 these requirements during the tax credit application process.
29 The EDA will be required to indicate on the tax credit
30 certificate issued to these nonprofit organizations that such
31 requirements have been met. The bill requires that a taxpayer
32 include, rather than attach, a tax credit certificate with the
33 taxpayer's tax return. The bill amends the requirement that
34 tax credits shall not be claimed for taxable years beginning
35 prior to July 1, 2009, to require that tax credits shall not



Iowa General Assembly
Daily Bills, Amendments and Study Bills
March 24, 2014

H.F. 2455

1 be claimed prior to the tax year listed on the tax credit
2 certificate.

3 The bill strikes Code section 15.293A, subsections 10 and
4 11, relating to the adoption of administrative rules by the
5 EDA and the DOR, and the EDA's cooperation with the department
6 of natural resources and local governments regarding the
7 dissemination of information about the program. The bill
8 requires the authority, in conjunction with the department
9 of revenue, to adopt rules to administer the program. The
10 bill transfers to Code section 15.293B the language from
11 Code section 15.293A, subsection 8, relating to the deadline
12 for completing registered projects, and amends part of that
13 language referencing the project's approval date to instead
14 reference the date upon which the project was registered.

15 The bill amends the duties and powers of the council to
16 provide that it may recommend to the EDA the amount of tax
17 credits that a redevelopment project should be awarded, instead
18 of the amount of tax credits that a redevelopment project is
19 eligible to receive.

20 Finally, the bill removes the automatic repeal date of the
21 program, which under current law is set to expire on June 30,
22 2021.

23 The bill applies to qualifying redevelopment projects for
24 which a redevelopment tax credit is awarded on or after the
25 effective date of the bill. The bill provides that qualifying
26 redevelopment projects for which a redevelopment tax credit
27 was awarded prior to the effective date of the bill shall be
28 governed by current law.



Iowa General Assembly
Daily Bills, Amendments and Study Bills
March 24, 2014

House File 2456 - Introduced

HOUSE FILE 2456
BY COMMITTEE ON WAYS AND MEANS

(SUCCESSOR TO HSB 668)

A BILL FOR

1 An Act relating to the approval and imposition of the
2 facilities property tax levy and the equipment replacement
3 and program sharing property tax levy for a merged area and
4 including effective date and applicability provisions.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5429HV (3) 85
md/sc



Iowa General Assembly
Daily Bills, Amendments and Study Bills
March 24, 2014

H.F. 2456

1 Section 1. Section 260C.15, subsection 1, Code 2014, is
2 amended to read as follows:

3 1. Regular elections held by the merged area for the
4 election of members of the board of directors as required by
5 section 260C.11 or for any other matter authorized by law and
6 designated for election by the board of directors of the merged
7 area, shall be held on the date of the school election as fixed
8 by section 277.1. However, elections held for the ~~renewal~~
9 imposition, rate change, or discontinuance of the twenty and
10 one-fourth cents per thousand dollars of assessed valuation
11 levy authorized in section 260C.22 shall be held either on the
12 date of the school election as fixed by section 277.1 or at a
13 special election held on the second Tuesday in September of
14 the even-numbered year. The election notice shall be made a
15 part of the local school election notice published as provided
16 in section 49.53 in each local school district where voting is
17 to occur in the merged area election and the election shall be
18 conducted by the county commissioner of elections pursuant to
19 chapters 39 through 53 and section 277.20.

20 Sec. 2. Section 260C.22, subsection 1, paragraphs a and b,
21 Code 2014, are amended to read as follows:

22 a. In addition to the tax authorized under section 260C.17
23 and upon resolution of the board of directors, the voters
24 in a merged area may at the regular school election or at a
25 special election held on the second Tuesday in September of
26 the even-numbered year vote a tax not exceeding twenty and
27 one-fourth cents per thousand dollars of assessed value in any
28 one year for a period not to exceed ten years, unless otherwise
29 provided under subsection 2, for the purchase of grounds,
30 construction of buildings, payment of debts contracted for the
31 construction of buildings, purchase of buildings and equipment
32 for buildings, and the acquisition of libraries, for the
33 purpose of paying costs of utilities, and for the purpose of
34 maintaining, remodeling, improving, or expanding the community
35 college of the merged area. If the tax levy is approved under

LSB 5429HV (3) 85

-1-

md/sc

1/9



Iowa General Assembly
Daily Bills, Amendments and Study Bills
March 24, 2014

H.F. 2456

1 this section, the costs of utilities shall be paid from the
2 proceeds of the levy. The tax shall be collected by the county
3 treasurers and remitted to the treasurer of the merged area as
4 provided in section 331.552, subsection 29. The proceeds of
5 the tax shall be deposited in a separate and distinct fund to
6 be known as the voted tax fund, to be paid out upon warrants
7 drawn by the president and secretary of the board of directors
8 of the merged area district for the payment of costs incurred
9 in providing the school facilities for which the tax was voted.
10 **b.** In order to make immediately available to the merged
11 area the proceeds of the voted tax hereinbefore authorized
12 to be levied, the board of directors of any such merged area
13 is hereby authorized, without the necessity for any further
14 election, to borrow money and enter into loan agreements in
15 anticipation of the collection of such tax, and such board
16 shall, by resolution, provide for the levy of an annual
17 tax, within the limits of the special voted tax hereinbefore
18 authorized, sufficient to pay the amount of any such loan and
19 the interest thereon to maturity as the same becomes due. A
20 certified copy of this resolution shall be filed with the
21 county auditors of the counties in which such merged area is
22 located, and the filing thereof shall make it a duty of such
23 auditors to enter annually this levy for collection until
24 funds are realized to repay the loan and interest thereon in
25 full. Said loan ~~must mature within the number of years for~~
26 ~~which the tax has been voted and~~ shall bear interest at a
27 rate or rates not exceeding that permitted by chapter 74A.
28 Any loan agreement entered into pursuant to authority herein
29 contained shall be in such form as the board of directors shall
30 by resolution provide and the loan shall be payable as to both
31 principal and interest from the proceeds of the annual levy of
32 the voted tax hereinbefore authorized, or so much thereof as
33 will be sufficient to pay the loan and interest thereon. In
34 furtherance of the foregoing the board of directors of such
35 merged area may, with or without notice, negotiate and enter



Iowa General Assembly
Daily Bills, Amendments and Study Bills
March 24, 2014

H.F. 2456

1 into a loan agreement or agreements with any bank, investment
2 banker, trust company, insurance company or group thereof,
3 whereunder the borrowing of the necessary funds may be assured
4 and consummated. The proceeds of such loan shall be deposited
5 in a special fund, to be kept separate and apart from all other
6 funds of the merged area, and shall be paid out upon warrants
7 drawn by the president and secretary of the board of directors
8 to pay the cost of acquiring the school facilities for which
9 the tax was voted.

10 Sec. 3. Section 260C.22, subsections 2 and 3, Code 2014,
11 are amended by striking the subsections and inserting in lieu
12 thereof the following:

13 2. Following approval of the tax at two consecutive
14 elections under subsection 1 where the question of imposing
15 the tax appeared on the ballot, if the tax has been imposed
16 for a period of at least twenty consecutive years and either
17 the period of time for imposing the tax approved at the last
18 election under subsection 1 or the period of time for imposing
19 the tax established previously by resolution under this
20 subsection 2 is due to expire, the board of directors of the
21 merged area may, by resolution, continue to impose the voted
22 tax each year for a period not to exceed ten years at a rate not
23 to exceed the maximum rate approved at election until the tax
24 is discontinued or the maximum rate is increased following an
25 election pursuant to subsection 3. An increase in the maximum
26 rate of the voted tax, not to exceed the maximum rate specified
27 in subsection 1, shall be approved at election pursuant to the
28 requirements of subsection 3.

29 3. A voted tax imposed under this section may be
30 discontinued, or its maximum rate changed, by petition and
31 election. Upon receipt of a petition containing the required
32 number of signatures, the board of directors of a merged area
33 shall direct the county commissioner of elections responsible
34 under section 47.2 for conducting elections in the merged area
35 to submit to the voters of the merged area the question of



Iowa General Assembly
Daily Bills, Amendments and Study Bills
March 24, 2014

H.F. 2456

1 whether to discontinue the authority of the board of directors
2 to impose the voted tax under this section or to change the
3 maximum rate of the voted tax, whichever is applicable. The
4 petition must be signed by eligible electors equal in number
5 to not less than twenty-five percent of the votes cast at the
6 last preceding election in the merged area where the question
7 of the imposition of the tax appeared on the ballot. The
8 question shall be submitted at an election held on a date
9 authorized for an election under subsection 1, paragraph "a".
10 If a majority of those voting on the question of discontinuance
11 of the board of directors' authority to impose the tax favors
12 discontinuance, the board shall not impose the tax for any
13 fiscal year beginning after expiration of the period of time
14 for imposing the tax approved at the last election under
15 subsection 1 or the period of time for imposing the tax
16 established by resolution of the board under subsection 2,
17 whichever is applicable, unless following discontinuance the
18 voted tax is again authorized at election under subsection 1.
19 If a majority of those voting on the question to change the
20 maximum rate of the voted tax favors the proposed change, the
21 new maximum rate shall apply to fiscal years beginning after
22 the date of the election.
23 Sec. 4. Section 260C.22, subsection 4, Code 2014, is amended
24 by striking the subsection.
25 Sec. 5. Section 260C.28, subsection 3, Code 2014, is amended
26 to read as follows:
27 3. a. If the board of directors wishes to certify for a
28 levy under subsection 2, the board shall direct the county
29 commissioner of elections to submit the question of such
30 authorization for the board at an election held on a date
31 specified in section 39.2, subsection 4, paragraph "c". If a
32 majority of those voting on the question at the election favors
33 authorization of the board to make such a levy, the board
34 may certify for a levy as provided under subsection 2 during
35 each of the ten years following the election, unless otherwise



Iowa General Assembly
Daily Bills, Amendments and Study Bills
March 24, 2014

H.F. 2456

1 authorized under paragraph "b". If a majority of those voting
2 on the question at the election does not favor authorization
3 of the board to make a levy under subsection 2, the board may
4 submit the question to the voters again at an election held on
5 a date specified in section 39.2, subsection 4, paragraph "c".
6 b. Following approval of the additional tax authorized
7 under subsection 2 at two consecutive elections under paragraph
8 "a" where the question of imposing the additional tax appeared
9 on the ballot, if the additional tax has been imposed for a
10 period of at least twenty consecutive years and either the
11 period of time for imposing the additional tax approved at the
12 last election under paragraph "a" or the period of time for
13 imposing the tax established previously by resolution under
14 this paragraph "b" is due to expire, the board of directors
15 of the merged area may, by resolution, continue to impose
16 the additional tax each year for a period not to exceed ten
17 years at a rate not to exceed the maximum rate authorized
18 under subsection 2, until the tax is discontinued following an
19 election pursuant to paragraph "c".
20 c. The additional tax authorized under subsection 2 may
21 be discontinued by petition and election. Upon receipt of a
22 petition containing the required number of signatures, the
23 board of directors of a merged area shall direct the county
24 commissioner of elections responsible under section 47.2 for
25 conducting elections in the merged area to submit to the voters
26 of the merged area the question of whether to discontinue the
27 authority of the board of directors to impose the additional
28 tax under subsection 2. The petition must be signed by
29 eligible electors equal in number to not less than twenty-five
30 percent of the votes cast at the last preceding election in
31 the merged area where the question of the imposition of the
32 additional tax appeared on the ballot. The question shall
33 be submitted at an election held on a date specified in
34 section 39.2, subsection 4, paragraph "c". If a majority of
35 those voting on the question of discontinuance of the board



Iowa General Assembly
Daily Bills, Amendments and Study Bills
March 24, 2014

H.F. 2456

1 of directors' authority to impose the additional tax favors
2 discontinuance, the board shall not impose the additional
3 tax for any fiscal year beginning after the expiration of
4 the period of time for imposing the tax approved at the last
5 election under paragraph "a" or the period of time for imposing
6 the additional tax established by resolution of the board
7 under paragraph "b", whichever is applicable, unless following
8 discontinuance the additional tax is again authorized at
9 election under paragraph "a".

10 Sec. 6. EFFECTIVE UPON ENACTMENT. This Act, being deemed of
11 immediate importance, takes effect upon enactment.

12 Sec. 7. APPLICABILITY.

13 1. This Act applies to merged area voted taxes under section
14 260C.22 in effect on the effective date of this Act and merged
15 area voted taxes approved at election under section 260C.22 on
16 or after the effective date of this Act.

17 2. This Act applies to merged area taxes under section
18 260C.28, subsections 2 and 3, in effect on the effective date
19 of this Act and merged area taxes approved at election under
20 section 260C.28, subsection 3, on or after the effective date
21 of this Act.

22 EXPLANATION

23 The inclusion of this explanation does not constitute agreement with
24 the explanation's substance by the members of the general assembly.

25 This bill relates to the approval and imposition of the
26 facilities property tax levy and the equipment replacement and
27 program sharing property tax levy for a merged area.

28 Current Code section 260C.22 provides that in addition to a
29 merged area's property tax levy under Code section 260C.17, the
30 voters in a merged area may vote a tax levy not exceeding 20 and
31 one-fourth cents per \$1,000 of assessed value for a period not
32 to exceed 10 years for the purchase of grounds, construction of
33 buildings, payment of debts contracted for the construction of
34 buildings, purchase of buildings and equipment for buildings,
35 and the acquisition of libraries, for the purpose of paying

LSB 5429HV (3) 85

-6-

md/sc

6/9



Iowa General Assembly
Daily Bills, Amendments and Study Bills
March 24, 2014

H.F. 2456

1 costs of utilities, and for the purpose of maintaining,
2 remodeling, improving, or expanding the community college of
3 the merged area.

4 Under the bill, following approval at two consecutive
5 elections where the question of imposition of the tax was on
6 the ballot, if the tax has been imposed for a period of at
7 least 20 consecutive years and the period of time approved
8 for imposing the tax is due to expire, the board of directors
9 of the merged area may, by resolution, continue to impose the
10 voted tax each year for a period not to exceed 10 years at
11 a rate not to exceed the maximum rate approved at election
12 until the tax is discontinued or its rate changed following
13 an election initiated by petition. The bill also specifies
14 that the election to impose the levy under Code section 260C.22
15 shall be initiated by resolution of the board of directors of
16 the merged area.

17 The bill provides that upon the receipt of a petition
18 containing the required number of signatures, the board of
19 directors of a merged area shall direct the appropriate county
20 commissioners of elections to submit to the registered voters
21 of the merged area the question of whether to discontinue the
22 authority of the board of directors to impose the voted tax or
23 to change the rate of the tax. The petition must be signed by
24 eligible electors equal in number to not less than 25 percent
25 of the number of votes cast at the last preceding election in
26 the merged area where the question of imposition of the tax
27 appeared on the ballot. If a majority of those voting on the
28 question favors discontinuance, the board may not impose the
29 levy for any fiscal year beginning after the expiration of the
30 period of time for which the tax was last approved.

31 The bill also strikes obsolete provisions of Code section
32 260C.22 relating to the imposition of the voted tax in specific
33 years.

34 Current Code section 260C.28 provides that in addition to
35 a property tax levy of \$0.03 per \$1,000 of assessed value for

LSB 5429HV (3) 85
md/sc

-7-

7/9



Iowa General Assembly
Daily Bills, Amendments and Study Bills
March 24, 2014

H.F. 2456

1 equipment replacement, the board of directors of a merged area
2 may certify for levy at a rate in excess of the \$0.03 per \$1,000
3 of assessed value, if the excess tax levied does not cause the
4 total rate certified to exceed a rate of \$0.09 per \$1,000 of
5 assessed value, and the excess revenue generated is used for
6 purposes of program sharing between community colleges or for
7 the purchase of instructional equipment, and the additional
8 levy is approved at election. The approval at election may be
9 for a period not to exceed 10 years.

10 Under the bill, following approval at two consecutive
11 elections where the question of imposition of the additional
12 tax was on the ballot, if the additional tax has been imposed
13 for a period of at least 20 consecutive years and the period of
14 time approved for imposing the additional tax is due to expire,
15 the board of directors of the merged area may, by resolution,
16 continue to impose the additional tax each year for a period
17 not to exceed 10 years until the tax is discontinued following
18 an election initiated by petition.

19 The bill provides that upon the receipt of a petition
20 containing the required number of signatures, the board of
21 directors of a merged area shall direct the appropriate county
22 commissioners of elections to submit to the registered voters
23 of the merged area the question of whether to discontinue the
24 authority of the board of directors to impose the additional
25 tax. The petition must be signed by eligible electors equal
26 in number to not less than 25 percent of the number of votes
27 cast at the last preceding election in the merged area where
28 the question of the imposition of the additional tax appeared
29 on the ballot. If a majority of those voting on the question
30 favors discontinuance, the board may not impose the additional
31 tax for any fiscal year beginning after the expiration of the
32 period of time for which the tax was last approved.

33 The bill takes effect upon enactment and applies to merged
34 area taxes in effect on the effective date of the bill
35 and merged area taxes approved at election on or after the



Iowa General Assembly
Daily Bills, Amendments and Study Bills
March 24, 2014

H.F. 2456

1 effective date of the bill.



Iowa General Assembly
Daily Bills, Amendments and Study Bills
March 24, 2014

House File 2457 - Introduced

HOUSE FILE 2457
BY HALL

A BILL FOR

1 An Act relating to smoking in and on the grounds of long-term
2 care facilities.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5999YH (3) 85
pf/rj



Iowa General Assembly
Daily Bills, Amendments and Study Bills
March 24, 2014

H.F. 2457

1 Section 1. Section 142D.3, subsection 2, Code 2014, is
2 amended by adding the following new paragraph:
3 NEW PARAGRAPH. f. The grounds of a long-term care facility.
4 Sec. 2. Section 142D.4, subsection 4, Code 2014, is amended
5 by striking the subsection.

6 EXPLANATION

7 The inclusion of this explanation does not constitute agreement with
8 the explanation's substance by the members of the general assembly.

9 This bill eliminates the exemption from the prohibitions
10 against smoking that allows smoking in private and semiprivate
11 rooms in long-term care facilities, occupied by one or more
12 individuals, all of whom are smokers and have requested in
13 writing to be placed in a room where smoking is permitted,
14 provided that smoke from these locations does not infiltrate
15 into areas in which smoking is otherwise prohibited. The bill
16 also prohibits smoking on the grounds of a long-term care
17 facility.

18 Long-term care facilities are defined as health care
19 facilities (residential care facilities, nursing facilities,
20 intermediate care facilities for persons with mental
21 illness, and intermediate care facilities for persons with
22 an intellectual disability); elder group homes; and assisted
23 living programs.



Iowa General Assembly
Daily Bills, Amendments and Study Bills
March 24, 2014

House File 2458 - Introduced

HOUSE FILE 2458
BY COMMITTEE ON APPROPRIATIONS

(SUCCESSOR TO HSB 679)

A BILL FOR

1 An Act relating to and making appropriations involving state
2 government entities involved with agriculture, natural
3 resources, and environmental protection, making related
4 statutory changes, providing for eminent domain procedures,
5 and including effective and applicability date provisions.
6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5003HV (3) 85
da/jp



Iowa General Assembly
Daily Bills, Amendments and Study Bills
March 24, 2014

H.F. 2458

1 DIVISION I
2 DEPARTMENT OF AGRICULTURE AND LAND STEWARDSHIP
3 GENERAL APPROPRIATION FOR FY 2014-2015
4 Section 1. 2013 Iowa Acts, chapter 132, section 27, is
5 amended to read as follows:
6 SEC. 27. GENERAL FUND — DEPARTMENT.
7 1. There is appropriated from the general fund of the state
8 to the department of agriculture and land stewardship for the
9 fiscal year beginning July 1, 2014, and ending June 30, 2015,
10 the following amount, or so much thereof as is necessary, to be
11 used for the purposes designated:
12 For purposes of supporting the department, including its
13 divisions, for administration, regulation, and programs; for
14 salaries, support, maintenance, and miscellaneous purposes; and
15 for not more than the following full-time equivalent positions:
16 \$ ~~8,790,664~~
17 17,605,492
18 FTEs 372.00
19 2. Of the amount appropriated in subsection 1, the following
20 amount is transferred to Iowa state university of science and
21 technology, to be used for the university's midwest grape and
22 wine industry institute:
23 \$ ~~119,000~~
24 238,000
25 3. The department shall submit a report each quarter of the
26 fiscal year to the legislative services agency, the department
27 of management, the members of the joint appropriations
28 subcommittee on agriculture and natural resources, and the
29 chairpersons and ranking members of the senate and house
30 committees on appropriations. The report shall describe in
31 detail the expenditure of moneys appropriated in this section
32 to support the department's administration, regulation, and
33 programs.
34 DESIGNATED APPROPRIATIONS
35 MISCELLANEOUS FUNDS

LSB 5003HV (3) 85
da/jp

1/40



Iowa General Assembly
Daily Bills, Amendments and Study Bills
March 24, 2014

H.F. 2458

1 Sec. 2. 2013 Iowa Acts, chapter 132, section 28, is amended
2 to read as follows:

3 SEC. 28. UNCLAIMED PARI-MUTUEL WAGERING WINNINGS —
4 HORSE AND DOG RACING. There is appropriated from the moneys
5 available under section 99D.13 to the department of agriculture
6 and land stewardship for the fiscal year beginning July 1,
7 2014, and ending June 30, 2015, the following amount, or so
8 much thereof as is necessary, to be used for the purposes
9 designated:

10 For purposes of supporting the department's administration
11 and enforcement of horse and dog racing law pursuant to section
12 99D.22, including for salaries, support, maintenance, and
13 miscellaneous purposes:

14	\$	152,758
15		<u>305,516</u>

16 Sec. 3. 2013 Iowa Acts, chapter 132, section 29, is amended
17 to read as follows:

18 SEC. 29. RENEWABLE FUEL INFRASTRUCTURE FUND — MOTOR
19 FUEL INSPECTION. There is appropriated from the renewable
20 fuel infrastructure fund created in section 159A.16 to the
21 department of agriculture and land stewardship for the fiscal
22 year beginning July 1, 2014, and ending June 30, 2015, the
23 following amount, or so much thereof as is necessary, to be
24 used for the purposes designated:

25 For purposes of the inspection of motor fuel, including
26 salaries, support, maintenance, and miscellaneous purposes:

27	\$	250,000
28		<u>500,000</u>

29 The department shall establish and administer programs
30 for the auditing of motor fuel including biofuel processing
31 and production plants, for screening and testing motor fuel,
32 including renewable fuel, and for the inspection of motor fuel
33 sold by dealers including retail dealers who sell and dispense
34 motor fuel from motor fuel pumps.

35 SPECIAL APPROPRIATIONS

LSB 5003HV (3) 85

-2-

da/jp

2/40



Iowa General Assembly
Daily Bills, Amendments and Study Bills
March 24, 2014

H.F. 2458

1 GENERAL FUND

2 Sec. 4. 2013 Iowa Acts, chapter 132, section 30, is amended
3 to read as follows:

4 SEC. 30. DAIRY REGULATION. There is appropriated from the
5 general fund of the state to the department of agriculture
6 and land stewardship for the fiscal year beginning July 1,
7 2014, and ending June 30, 2015, the following amount, or so
8 much thereof as is necessary, to be used for the purposes
9 designated:

10 1. For purposes of performing functions pursuant to section
11 192.109, including conducting a survey of grade "A" milk and
12 certifying the results to the secretary of agriculture:

13 \$ 94,598
14 189,196

15 2. Notwithstanding section 8.33, moneys appropriated in
16 this section that remain unencumbered or unobligated at the
17 close of the fiscal year shall not revert but shall remain
18 available to be used for the purposes designated until the
19 close of the succeeding fiscal year.

20 Sec. 5. 2013 Iowa Acts, chapter 132, section 31, is amended
21 to read as follows:

22 SEC. 31. LOCAL FOOD AND FARM PROGRAM. There is appropriated
23 from the general fund of the state to the department of
24 agriculture and land stewardship for the fiscal year beginning
25 July 1, 2014, and ending June 30, 2015, the following amount,
26 or so much thereof as is necessary, to be used for the purposes
27 designated:

28 1. For purposes of supporting the local food and farm
29 program pursuant to chapter 267A:

30 \$ 37,500
31 75,000

32 2. The department shall enter into a cost-sharing agreement
33 with Iowa state university to support the local food and farm
34 program coordinator position as part of the university's
35 cooperative extension service in agriculture and home economics



Iowa General Assembly
Daily Bills, Amendments and Study Bills
March 24, 2014

H.F. 2458

1 pursuant to chapter 267A.

2 3. Notwithstanding section 8.33, moneys appropriated in
3 this section that remain unencumbered or unobligated at the
4 close of the fiscal year shall not revert but shall remain
5 available to be used for the purposes designated until the
6 close of the succeeding fiscal year.

7 Sec. 6. 2013 Iowa Acts, chapter 132, section 32, is amended
8 to read as follows:

9 SEC. 32. AGRICULTURAL EDUCATION. There is appropriated
10 from the general fund of the state to the department of
11 agriculture and land stewardship for the fiscal year beginning
12 July 1, 2014, and ending June 30, 2015, the following amount,
13 or so much thereof as is necessary, to be used for the purposes
14 designated:

15 1. For purposes of allocating moneys to an Iowa association
16 affiliated with a national organization which promotes
17 agricultural education providing for future farmers:

18	\$	12,500
19		<u>25,000</u>

20 2. Notwithstanding section 8.33, moneys appropriated for
21 the fiscal year beginning July 1, 2014, in this section that
22 remain unencumbered or unobligated at the close of the fiscal
23 year shall not revert but shall remain available to be used
24 for the purposes designated until the close of the succeeding
25 fiscal year.

26 Sec. 7. 2013 Iowa Acts, chapter 132, section 33, is amended
27 to read as follows:

28 SEC. 33. FARMERS WITH DISABILITIES PROGRAM.

29 1. There is appropriated from the general fund of the state
30 to the department of agriculture and land stewardship for the
31 fiscal year beginning July 1, 2014, and ending June 30, 2015,
32 the following amount, or so much thereof as is necessary, to be
33 used for the purposes designated:

34 For purposes of supporting a program for farmers with
35 disabilities:

LSB 5003HV (3) 85

-4-

da/jp

4/40



Iowa General Assembly
Daily Bills, Amendments and Study Bills
March 24, 2014

H.F. 2458

1 \$ 65,000
2 130,000

3 2. The moneys appropriated in subsection 1 shall be used for
4 the public purpose of providing a grant to a national nonprofit
5 organization with over 80 years of experience in assisting
6 children and adults with disabilities and special needs.

7 a. The moneys shall be used to support a nationally
8 recognized program that began in 1986 and has been replicated
9 in at least 30 other states, but which is not available through
10 any other entity in this state, and that provides assistance
11 to farmers with disabilities in all 99 counties to allow the
12 farmers to remain in their own homes and be gainfully engaged
13 in farming through provision of agricultural worksite and home
14 modification consultations, peer support services, services
15 to families, information and referral, and equipment loan
16 services.

17 b. Notwithstanding section 8.33, moneys appropriated in
18 this section that remain unencumbered or unobligated at the
19 close of the fiscal year shall not revert but shall remain
20 available for expenditure for the purposes designated until the
21 close of the succeeding fiscal year.

22 DIVISION II

23 GENERAL FUND

24 DEPARTMENT OF AGRICULTURE AND LAND STEWARDSHIP

25 WATER QUALITY

26 APPROPRIATIONS FOR FY 2014-2015

27 Sec. 8. 2013 Iowa Acts, chapter 132, section 34, is amended
28 to read as follows:

29 SEC. 34. WATER QUALITY INITIATIVE — GENERAL.

30 1. There is appropriated from the general fund of the state
31 to the department of agriculture and land stewardship for the
32 fiscal year beginning July 1, 2014, and ending June 30, 2015,
33 the following amount, or so much thereof as is necessary, to be
34 used for the purposes designated:

35 For deposit in the water quality initiative fund created

LSB 5003HV (3) 85

-5-

da/jp

5/40



Iowa General Assembly
Daily Bills, Amendments and Study Bills
March 24, 2014

H.F. 2458

1 in section 466B.45, as enacted by this Act, for purposes of
2 supporting the water quality initiative administered by the
3 soil conservation division as provided in section 466B.42, as
4 enacted by this Act, including salaries, support, maintenance,
5 miscellaneous purposes, and for not more than the following
6 full-time equivalent positions:

7	\$	4,400,000
8	FTEs	1.00
9		<u>2.00</u>

10 2. a. The moneys appropriated in subsection 1 shall be
11 used to support ~~reducing-nutrients~~ projects in subwatersheds
12 as designated by the division that are part of high-priority
13 watersheds identified by the water resources coordinating
14 council established pursuant to section 466B.3. ~~In supporting~~
15 ~~reducing-nutrients~~

16 b. The moneys appropriated in subsection 1 shall be used to
17 support projects in watersheds generally, including regional
18 watersheds, as designated by the division and high-priority
19 watersheds identified by the water resources coordinating
20 council established pursuant to section 466B.3.

21 2A. ~~In supporting projects in subwatersheds, the division~~
22 ~~shall establish and administer demonstration projects as~~
23 ~~follows and watersheds as provided in subsection 2, all of the~~
24 following shall apply:

25 a. The demonstration projects shall utilize water quality
26 practices as described in the latest revision of the document
27 entitled "Iowa Nutrient Reduction Strategy" initially presented
28 in November 2012 by the department of agriculture and land
29 stewardship, the department of natural resources, and Iowa
30 state university of science and technology.

31 b. The division shall implement demonstration projects as
32 provided in paragraph "a" by providing for participation by
33 persons who hold a legal interest in agricultural land used in
34 farming. To every extent practical, the division shall provide
35 for collaborative participation by such persons who hold a



Iowa General Assembly
Daily Bills, Amendments and Study Bills
March 24, 2014

H.F. 2458

1 legal interest in agricultural land located within the same
2 subwatershed.

3 c. The division shall implement a demonstration project on
4 a cost-share basis as determined by the division. However, the
5 state's share of the amount shall not exceed 50 percent of the
6 estimated cost of establishing the practice as determined by
7 the division or 50 percent of the actual cost of establishing
8 the practice, whichever is less.

9 d. The demonstration projects shall be used to educate other
10 persons about the feasibility and value of establishing similar
11 water quality practices. The division shall promote field day
12 events for purposes of allowing interested persons to establish
13 water quality practices on their agricultural land.

14 e. The division shall conduct water quality evaluations
15 within supported subwatersheds. Within a reasonable period
16 after accumulating information from such evaluations,
17 the division shall create an aggregated database of water
18 quality practices. Any information ~~identifying a person~~
19 ~~holding a legal interest in agricultural land or specific~~
20 ~~agricultural land shall be a confidential record under section~~
21 22.7 received, collected, or held under this section is a
22 confidential record and is exempted from public access pursuant
23 to section 466B.49 as enacted by this 2014 Act.

24 3. The moneys appropriated in subsection 1 shall be used
25 to support education and outreach in a manner that encourages
26 persons who hold a legal interest in agricultural land used for
27 farming to implement water quality practices, including the
28 establishment of such practices in watersheds generally, and
29 not limited to subwatersheds or high-priority watersheds.

30 4. The moneys appropriated in subsection 1 may be used
31 to contract with persons to coordinate the implementation of
32 efforts provided in this section. Not more than \$150,000 shall
33 be used to support the administration of this section by a
34 full-time equivalent position.

35 4A. The moneys appropriated in subsection 1 may be used by

LSB 5003HV (3) 85

-7-

da/jp

7/40



Iowa General Assembly
Daily Bills, Amendments and Study Bills
March 24, 2014

H.F. 2458

1 the department to support urban soil and water conservation
2 efforts, which may include but are not limited to management
3 practices related to bioretention, landscaping, the use of
4 permeable pavement, and soil quality restoration. The moneys
5 shall be allocated on a cost-share basis as provided in chapter
6 161A.

7 5. Notwithstanding any other provision of law to the
8 contrary, the department may use moneys appropriated in
9 subsection 1 to carry out the provisions of this section on a
10 cost-share basis in combination with other moneys appropriated
11 available to the department from the environment first
12 fund created in section 8.57A for cost sharing to match the
13 United States department of agriculture, natural resources
14 conservation service, wetland reserve enhancement program a
15 state or federal source.

16 Sec. 9. 2013 Iowa Acts, chapter 132, section 35, is amended
17 to read as follows:

18 SEC. 35. IOWA NUTRIENT RESEARCH CENTER.

19 1. There is appropriated from the general fund of the state
20 to Iowa state university of science and technology for the
21 fiscal year beginning July 1, 2014, and ending June 30, 2015,
22 the following amount, or so much thereof as is necessary, to be
23 used for the purposes designated:

24 For purposes of supporting an Iowa nutrient research center
25 as established in section 466B.47, as enacted in this Act:

26 \$ 750,000
27 1,500,000

28 2. Notwithstanding section 8.33, moneys appropriated in
29 this section that remain unencumbered or unobligated at the
30 close of the fiscal year shall not revert but shall remain
31 available for expenditure for the purposes designated until the
32 close of the fiscal year beginning July 1, 2015.

33 DIVISION III

34 DEPARTMENT OF NATURAL RESOURCES

35 GENERAL APPROPRIATIONS FOR FY 2014-2015

LSB 5003HV (3) 85

-8-

da/jp

8/40



Iowa General Assembly
Daily Bills, Amendments and Study Bills
March 24, 2014

H.F. 2458

1 Sec. 10. 2013 Iowa Acts, chapter 132, section 37, is amended
2 to read as follows:

3 SEC. 37. GENERAL FUND — DEPARTMENT.

4 1. There is appropriated from the general fund of the state
5 to the department of natural resources for the fiscal year
6 beginning July 1, 2014, and ending June 30, 2015, the following
7 amount, or so much thereof as is necessary, to be used for the
8 purposes designated:

9 For purposes of supporting the department, including its
10 divisions, for administration, regulation, and programs; for
11 salaries, support, maintenance, and miscellaneous purposes; and
12 for not more than the following full-time equivalent positions:

13	\$	6,383,350
14		<u>12,862,307</u>
15	FTEs	1,145.95

16 2. Of the number of full-time equivalent positions
17 authorized to the department pursuant to subsection 1, 50.00
18 full-time equivalent positions shall be allocated by the
19 department for seasonal employees for purposes of providing
20 maintenance, upkeep, and sanitary services at state parks.
21 This subsection shall not impact park ranger positions within
22 the department.

23 3. The department shall submit a report each quarter of the
24 fiscal year to the legislative services agency, the department
25 of management, the members of the joint appropriations
26 subcommittee on agriculture and natural resources, and the
27 chairpersons and ranking members of the senate and house
28 committees on appropriations. The report shall describe in
29 detail the expenditure of moneys appropriated under this
30 section to support the department's administration, regulation,
31 and programs.

32 Sec. 11. 2013 Iowa Acts, chapter 132, section 38, is amended
33 to read as follows:

34 SEC. 38. STATE FISH AND GAME PROTECTION FUND — REGULATION
35 AND ADVANCEMENT OF OUTDOOR ACTIVITIES.



Iowa General Assembly
Daily Bills, Amendments and Study Bills
March 24, 2014

H.F. 2458

1 1. There is appropriated from the state fish and game
2 protection fund to the department of natural resources for the
3 fiscal year beginning July 1, 2014, and ending June 30, 2015,
4 the following amount, or so much thereof as is necessary, to be
5 used for the purposes designated:

6 For purposes of supporting the regulation or advancement of
7 hunting, fishing, or trapping, or the protection, propagation,
8 restoration, management, or harvest of fish or wildlife,
9 including for administration, regulation, law enforcement, and
10 programs; and for salaries, support, maintenance, equipment,
11 and miscellaneous purposes:

12 \$ 20,539,117
13 41,223,225

14 2. Notwithstanding section 455A.10, the department may use
15 the unappropriated balance remaining in the state fish and game
16 protection fund to provide for the funding of health and life
17 insurance premium payments from unused sick leave balances of
18 conservation peace officers employed in a protection occupation
19 who retire, pursuant to section 97B.49B.

20 3. Notwithstanding section 455A.10, the department of
21 natural resources may use the unappropriated balance remaining
22 in the state fish and game protection fund for the fiscal
23 year beginning July 1, 2014, and ending June 30, 2015, as is
24 necessary to fund salary adjustments for departmental employees
25 which the general assembly has made an operating budget
26 appropriation for in subsection 1.

27 Sec. 12. 2013 Iowa Acts, chapter 132, section 39, is amended
28 to read as follows:

29 SEC. 39. GROUNDWATER PROTECTION FUND — WATER QUALITY.

30 There is appropriated from the groundwater protection fund
31 created in section 455E.11 to the department of natural
32 resources for the fiscal year beginning July 1, 2014,
33 and ending June 30, 2015, from those moneys which are not
34 allocated pursuant to that section, the following amount, or
35 so much thereof as is necessary, to be used for the purposes

LSB 5003HV (3) 85

-10-

da/jp

10/40



Iowa General Assembly
Daily Bills, Amendments and Study Bills
March 24, 2014

H.F. 2458

1 designated:

2 For purposes of supporting the department's protection
3 of the state's groundwater, including for administration,
4 regulation, and programs, and for salaries, support,
5 maintenance, equipment, and miscellaneous purposes:

6 \$ ~~1,727,916~~
7 3,455,832

8 DESIGNATED APPROPRIATIONS

9 MISCELLANEOUS FUNDS

10 Sec. 13. 2013 Iowa Acts, chapter 132, section 40, is amended
11 to read as follows:

12 SEC. 40. SPECIAL SNOWMOBILE FUND — SNOWMOBILE PROGRAM.

13 There is appropriated from the special snowmobile fund created
14 under section 321G.7 to the department of natural resources for
15 the fiscal year beginning July 1, 2014, and ending June 30,
16 2015, the following amount, or so much thereof as is necessary,
17 to be used for the purpose designated:

18 For purposes of administering and enforcing the state
19 snowmobile programs:

20 \$ ~~50,000~~
21 100,000

22 Sec. 14. 2013 Iowa Acts, chapter 132, section 41, is amended
23 to read as follows:

24 SEC. 41. UNASSIGNED REVENUE FUND — UNDERGROUND STORAGE

25 TANK SECTION EXPENSES. There is appropriated from the
26 unassigned revenue fund administered by the Iowa comprehensive
27 underground storage tank fund board to the department of
28 natural resources for the fiscal year beginning July 1, 2014,
29 and ending June 30, 2015, the following amount, or so much
30 thereof as is necessary, to be used for the purpose designated:

31 For purposes of paying for administration expenses of the
32 department's underground storage tank section:

33 \$ ~~100,000~~
34 200,000

35 SPECIAL APPROPRIATIONS

LSB 5003HV (3) 85

-11-

da/jp

11/40

**Iowa General Assembly
Daily Bills, Amendments and Study Bills
March 24, 2014**

H.F. 2458

GENERAL FUND

2 Sec. 15. 2013 Iowa Acts, chapter 132, section 42, is amended
3 to read as follows:

4 SEC. 42. FLOODPLAIN MANAGEMENT AND DAM SAFETY.

5 1. There is appropriated from the general fund of the state
6 to the department of natural resources for the fiscal year
7 beginning July 1, 2014, and ending June 30, 2015, the following
8 amount, or so much thereof as is necessary, to be used for the
9 purpose designated:

10 For purposes of supporting floodplain management and dam
11 safety:

12	.....	\$ 1,000,000
13		2,000,000

14 2. Of the amount appropriated in subsection 1, up to
15 ~~\$340,000~~ \$400,000 may be used by the department to acquire or
16 install stream gages for purposes of tracking and predicting
17 flood events and for compiling necessary data to improve flood
18 frequency analysis.

19 3. Notwithstanding section 8.33, moneys appropriated in
20 subsection 1 that remain unencumbered or unobligated at the
21 close of the fiscal year shall not revert but shall remain
22 available for expenditure for the purposes designated until the
23 close of the succeeding fiscal year.

24 Sec. 16. 2013 Iowa Acts, chapter 132, section 43, is amended
25 to read as follows:

26 SEC. 43. FORESTRY HEALTH MANAGEMENT.

27 1. There is appropriated from the general fund of the state
28 to the department of natural resources for the fiscal year
29 beginning July 1, 2014, and ending June 30, 2015, the following
30 amount, or so much thereof as is necessary, to be used for the
31 purposes designated:

32 For purposes of providing for forestry health management
33 programs:

34	.....	\$	100,000
35			200,000

LSB 5003HV (3) 85

da/jp

12/40



Iowa General Assembly
Daily Bills, Amendments and Study Bills
March 24, 2014

H.F. 2458

1 2. Notwithstanding section 8.33, moneys appropriated in
2 this section that remain unencumbered or unobligated at the
3 close of the fiscal year shall not revert but shall remain
4 available to be used for the purposes designated until the
5 close of the succeeding fiscal year.

6 Sec. 17. 2013 Iowa Acts, chapter 132, section 44, is amended
7 to read as follows:

8 SEC. 44. LOESS HILLS DEVELOPMENT AND CONSERVATION FUND.

9 1. There is transferred from the general fund of the state
10 to the loess hills development and conservation fund created in
11 section 161D.2 for the fiscal year beginning July 1, 2014, and
12 ending June 30, 2015, the following amount, or so much thereof
13 as is necessary, to be used for the purposes designated:

14 For supporting the purposes of the fund:

15	\$	37,500
16		<u>75,000</u>

17 2. a. Of the amount transferred in subsection 1, ~~\$28,125~~
18 \$56,250 shall be allocated to the fund's hungry canyons
19 account.

20 b. Not more than 10 percent of the moneys allocated to the
21 hungry canyons account as provided in paragraph "a" may be used
22 for administrative costs.

23 3. a. Of the amount transferred in subsection 1, ~~\$9,375~~
24 \$18,750 shall be allocated to the fund's loess hills alliance
25 account.

26 b. Not more than 10 percent of the moneys allocated to the
27 loess hills alliance account as provided in paragraph "a" may
28 be used for administrative costs.

29 4. Moneys deposited to the loess hills development and
30 conservation fund and its accounts for the fiscal year are
31 appropriated to the authority to be used as provided by law.

32 DIVISION IV

33 IOWA STATE UNIVERSITY

34 SPECIAL GENERAL FUND APPROPRIATION FOR FY 2014-2015

35 Sec. 18. 2013 Iowa Acts, chapter 132, section 45, is amended

LSB 5003HV (3) 85

-13-

da/jp

13/40



Iowa General Assembly
Daily Bills, Amendments and Study Bills
March 24, 2014

H.F. 2458

1 to read as follows:

2 SEC. 45. VETERINARY DIAGNOSTIC LABORATORY.

3 1. There is appropriated from the general fund of the state
4 to Iowa state university of science and technology for the
5 fiscal year beginning July 1, 2014, and ending June 30, 2015,
6 the following amount, or so much thereof as is necessary, to be
7 used for the purposes designated:

8 For purposes of supporting the college of veterinary
9 medicine for the operation of the veterinary diagnostic
10 laboratory and for not more than the following full-time
11 equivalent positions:

12	\$	1,881,318
13		<u>4,000,000</u>
14	FTEs	50.00
15		<u>51.00</u>

16 2. a. Iowa state university of science and technology
17 shall not reduce the amount that it allocates to support the
18 college of veterinary medicine from any other source due to the
19 appropriation made in this section.

20 b. Paragraph "a" does not apply to a reduction made to
21 support the college of veterinary medicine, if the same
22 percentage of reduction imposed on the college of veterinary
23 medicine is also imposed on all of Iowa state university's
24 budget units.

25 3. If by June 30, 2015, Iowa state university of science and
26 technology fails to allocate the moneys appropriated in this
27 section to the college of veterinary medicine in accordance
28 with this section, the moneys appropriated in this section for
29 that fiscal year shall revert to the general fund of the state.

30 DIVISION V

31 ENVIRONMENT FIRST FUND

32 GENERAL APPROPRIATIONS FOR FY 2014-2015

33 Sec. 19. 2013 Iowa Acts, chapter 132, section 47, is amended
34 to read as follows:

35 SEC. 47. DEPARTMENT OF AGRICULTURE AND LAND

LSB 5003HV (3) 85

-14-

da/jp

14/40



Iowa General Assembly
Daily Bills, Amendments and Study Bills
March 24, 2014

H.F. 2458

1 STEWARDSHIP. There is appropriated from the environment first
2 fund created in section 8.57A to the department of agriculture
3 and land stewardship for the fiscal year beginning July 1,
4 2014, and ending June 30, 2015, the following amounts, or so
5 much thereof as is necessary, to be used for the purposes
6 designated:

7 1. CONSERVATION RESERVE ENHANCEMENT PROGRAM (CREP)
8 a. For the conservation reserve enhancement program to
9 restore and construct wetlands for the purposes of intercepting
10 tile line runoff, reducing nutrient loss, improving water
11 quality, and enhancing agricultural production practices:
12 \$ 500,000
13 1,000,000
14 b. Not more than 10 percent of the moneys appropriated
15 in paragraph "a" may be used for costs of administration and
16 implementation of soil and water conservation practices.
17 c. Notwithstanding any other provision in law, the
18 department may provide state resources from this appropriation,
19 in combination with other appropriate environment first
20 fund appropriations, for cost sharing to match United States
21 department of agriculture, natural resources conservation
22 service, wetlands reserve enhancement program (WREP) funding
23 available to Iowa.

24 2. WATERSHED PROTECTION
25 a. For continuation of a program that provides
26 multiobjective resource protections for flood control, water
27 quality, erosion control, and natural resource conservation:
28 \$ 450,000
29 900,000
30 b. Not more than 10 percent of the moneys appropriated
31 in paragraph "a" may be used for costs of administration and
32 implementation of soil and water conservation practices.

33 3. FARM MANAGEMENT DEMONSTRATION PROGRAM
34 a. For continuation of a statewide voluntary farm
35 management demonstration program to demonstrate the

LSB 5003HV (3) 85
da/jp

15/40



Iowa General Assembly
Daily Bills, Amendments and Study Bills
March 24, 2014

H.F. 2458

1 effectiveness and adaptability of emerging practices in
2 agronomy that protect water resources and provide other
3 environmental benefits:

4 \$ 312,500
5 625,000

6 b. Not more than 10 percent of the moneys appropriated
7 in paragraph "a" may be used for costs of administration and
8 implementation of soil and water conservation practices.

9 c. Of the amount appropriated in paragraph "a", \$200,000
10 \$400,000 shall be allocated to an organization representing
11 soybean growers to provide for an agriculture and environment
12 performance program in order to carry out the purposes of this
13 subsection as specified in paragraph "a".

14 4. SOIL AND WATER CONSERVATION — ADMINISTRATION

15 For use by the department for costs of administration and
16 implementation of soil and water conservation practices:

17 \$ 1,275,000
18 2,550,000

19 5. CONSERVATION RESERVE PROGRAM (CRP)

20 a. To encourage and assist farmers in enrolling in and the
21 implementation of the federal conservation reserve program and
22 to work with them to enhance their revegetation efforts to
23 improve water quality and habitat:

24 \$ 500,000
25 1,000,000

26 b. Not more than 10 percent of the moneys appropriated
27 in paragraph "a" may be used for costs of administration and
28 implementation of soil and water conservation practices.

29 6. SOIL AND WATER CONSERVATION

30 a. For use by the department in providing for soil and
31 water conservation administration, the conservation of soil and
32 water resources, or the support of soil and water conservation
33 district commissioners:

34 \$ 3,325,000
35 7,375,000

LSB 5003HV (3) 85

-16-

da/jp

16/40



Iowa General Assembly
Daily Bills, Amendments and Study Bills
March 24, 2014

H.F. 2458

1 b. Not more than 5 percent of the moneys appropriated in
2 paragraph "a" may be allocated for cost sharing to address
3 complaints filed under section 161A.47.

4 c. Of the moneys appropriated in paragraph "a", 5 percent
5 shall be allocated for financial incentives to establish
6 practices to protect watersheds above publicly owned lakes of
7 the state from soil erosion and sediment as provided in section
8 161A.73.

9 d. Not more than 30 percent of a soil and water conservation
10 district's allocation of moneys as financial incentives may be
11 provided for the purpose of establishing management practices
12 to control soil erosion on land that is row cropped, including
13 but not limited to no-till planting, ridge-till planting,
14 contouring, and contour strip-cropping as provided in section
15 161A.73.

16 e. The state soil conservation committee established by
17 section 161A.4 may allocate moneys appropriated in paragraph
18 "a" to conduct research and demonstration projects to promote
19 conservation tillage and nonpoint source pollution control
20 practices.

21 f. The allocation of moneys as financial incentives as
22 provided in section 161A.73 may be used in combination with
23 moneys allocated by the department of natural resources.

24 g. Not more than 15 percent of the moneys appropriated
25 in paragraph "a" may be used for costs of administration and
26 implementation of soil and water conservation practices.

27 h. In lieu of moneys appropriated in section 466A.5,
28 not more than ~~\$25,000~~ \$50,000 of the moneys appropriated in
29 paragraph "a" shall be used by the soil conservation division
30 of the department of agriculture and land stewardship to
31 provide administrative support to the watershed improvement
32 review board established in section 466A.3.

33 7. LOESS HILLS DEVELOPMENT AND CONSERVATION FUND

34 a. For deposit in the loess hills development and
35 conservation fund created in section 161D.2:

LSB 5003HV (3) 85
da/jp

17/40



Iowa General Assembly
Daily Bills, Amendments and Study Bills
March 24, 2014

H.F. 2458

1 \$ 262,500
2 800,000

3 b. (1) Of the amount appropriated in paragraph "a",
4 ~~\$196,875~~ \$600,000 shall be allocated to the fund's hungry
5 canyons account.

6 (2) Not more than 10 percent of the moneys allocated to the
7 hungry canyons account as provided in subparagraph (1) may be
8 used for administrative costs.

9 c. (1) Of the amount appropriated in paragraph "a", ~~\$65,625~~
10 \$200,000 shall be allocated to the fund's loess hills alliance
11 account.

12 (2) Not more than 10 percent of the moneys allocated to the
13 loess hills alliance account as provided in subparagraph (1)
14 may be used for administrative costs.

15 8. AGRICULTURAL DRAINAGE WELL WATER QUALITY ASSISTANCE FUND
16 For deposit in the agricultural drainage well water quality
17 assistance fund created in section 460.303 to be used for
18 purposes of supporting the agricultural drainage well water
19 quality assistance program as provided in section 460.304:
20 \$ 550,000

21 9. SILOS AND SMOKESTACKS
22 For purposes of supporting the silos and smokestacks
23 national heritage area to provide continued agricultural
24 education and preservation:
25 \$ 200,000

26 Sec. 20. 2013 Iowa Acts, chapter 132, section 48, is amended
27 to read as follows:

28 SEC. 48. DEPARTMENT OF NATURAL RESOURCES. There is
29 appropriated from the environment first fund created in section
30 8.57A to the department of natural resources for the fiscal
31 year beginning July 1, 2014, and ending June 30, 2015, the
32 following amounts, or so much thereof as is necessary, to be
33 used for the purposes designated:

34 1. KEEPERS OF THE LAND

35 For statewide coordination of volunteer efforts under the

LSB 5003HV (3) 85

-18-

da/jp

18/40



Iowa General Assembly
Daily Bills, Amendments and Study Bills
March 24, 2014

H.F. 2458

1 water quality and keepers of the land programs:
2 \$ 50,000
3 100,000
4 2. STATE PARKS MAINTENANCE AND OPERATIONS
5 For regular maintenance and operations of state parks and
6 staff time associated with these activities:
7 \$ 3,180,000
8 4,610,000
9 3. GEOGRAPHIC INFORMATION SYSTEM (GIS)
10 To provide local watershed managers with geographic
11 information system data for their use in developing,
12 monitoring, and displaying results of their watershed work:
13 \$ 97,500
14 195,000
15 4. WATER QUALITY MONITORING
16 For continuing the establishment and operation of water
17 quality monitoring stations:
18 \$ 1,477,500
19 2,955,000
20 5. PUBLIC WATER SUPPLY SYSTEM ACCOUNT
21 For deposit in the public water supply system account of the
22 water quality protection fund created in section 455B.183A:
23 \$ 250,000
24 500,000
25 6. REGULATION OF ANIMAL FEEDING OPERATIONS
26 For the regulation of animal feeding operations, including
27 as provided for in chapters 459 through 459B:
28 \$ 660,000
29 1,320,000
30 7. AMBIENT AIR QUALITY
31 For the abatement, control, and prevention of ambient
32 air pollution in this state, including measures as necessary
33 to assure attainment and maintenance of ambient air quality
34 standards from particulate matter:
35 \$ 212,500

LSB 5003HV (3) 85

da/jp

19/40



Iowa General Assembly
Daily Bills, Amendments and Study Bills
March 24, 2014

H.F. 2458

1 425,000

2 8. WATER QUANTITY REGULATION

3 For regulating water quantity from surface and subsurface

4 sources by providing for the allocation and use of water

5 resources, the protection and management of water resources,

6 and the preclusion of conflicts among users of water resources,

7 including as provided in chapter 455B, division III, part 4:

8 \$ 247,500

9 495,000

10 9. GEOLOGICAL AND WATER SURVEY

11 For continuing the operations of the department's geological

12 and water survey including but not limited to providing

13 analysis, data collection, investigative programs, and

14 information for water supply development and protection:

15 \$ 100,000

16 200,000

17 10. KEEP IOWA BEAUTIFUL INITIATIVE

18 For purposes of supporting a keep Iowa beautiful initiative

19 in order to assist communities in developing and implementing

20 beautification and community development plans:

21 \$ 100,000

22 200,000

23 Sec. 21. 2013 Iowa Acts, chapter 132, section 49, is amended

24 to read as follows:

25 SEC. 49. REVERSION.

26 1. Notwithstanding Except as provided in subsection 2,

27 and notwithstanding section 8.33, moneys appropriated for the

28 fiscal year beginning July 1, 2014, in this division of this

29 Act that remain unencumbered or unobligated at the close of the

30 fiscal year shall not revert but shall remain available to be

31 used for the purposes designated until the close of the fiscal

32 year beginning July 1, 2015, or until the project for which the

33 appropriation was made is completed, whichever is earlier.

34 2. Notwithstanding section 8.33, moneys appropriated for

35 the fiscal year beginning July 1, 2014, in this division of

LSB 5003HV (3) 85

-20-

da/jp

20/40



Iowa General Assembly
Daily Bills, Amendments and Study Bills
March 24, 2014

H.F. 2458

1 this Act to the department of agriculture and land stewardship
2 to provide financial assistance for the establishment of
3 permanent soil and water conservation practices that remain
4 unencumbered or unobligated at the close of the fiscal year
5 shall not revert but shall remain available for expenditure
6 for the purposes designated until the close of the fiscal year
7 beginning July 1, 2017.

8

DIVISION VI

9

ENVIRONMENT FIRST FUND

10

SPECIAL APPROPRIATION FOR FY 2014-2015

11 Sec. 22. 2013 Iowa Acts, chapter 132, is amended by adding
12 the following new section:

13 NEW SECTION. SEC. 64. REAP — IN LIEU OF GENERAL FUND
14 APPROPRIATION. Notwithstanding the amount of the standing
15 appropriation from the general fund of the state to the Iowa
16 resources enhancement and protection fund as provided in
17 section 455A.18, there is appropriated from the environment
18 first fund created in section 8.57A to the Iowa resources
19 enhancement and protection fund, in lieu of the appropriation
20 made in section 455A.18, for the fiscal year beginning July 1,
21 2014, and ending June 30, 2015, the following amount, to be
22 allocated as provided in section 455A.19:

23 \$ 16,000,000

24

DIVISION VII

25

SOIL AND WATER CONSERVATION PRACTICES

26

REVERSION OF APPROPRIATIONS FOR FY 2013-2014

27 Sec. 23. 2013 Iowa Acts, chapter 132, section 25, is amended
28 to read as follows:

29 SEC. 25. REVERSION.

30 1. Notwithstanding Except as provided in subsection 2,
31 and notwithstanding section 8.33, moneys appropriated for the
32 fiscal year beginning July 1, 2013, in this division of this
33 Act that remain unencumbered or unobligated at the close of
34 the fiscal year shall not revert but shall remain available
35 to be used for the purposes designated until the close of the

LSB 5003HV (3) 85

-21-

da/jp

21/40



Iowa General Assembly
Daily Bills, Amendments and Study Bills
March 24, 2014

H.F. 2458

1 succeeding fiscal year or until the project for which the
2 appropriation was made is completed, whichever is earlier.
3 2. Notwithstanding section 8.33, moneys appropriated for
4 the fiscal year beginning July 1, 2013, in this division of
5 this Act to the department of agriculture and land stewardship
6 to provide financial assistance for the establishment of
7 permanent soil and water conservation practices that remain
8 unencumbered or unobligated at the close of the fiscal year
9 shall not revert but shall remain available for expenditure
10 for the purposes designated until the close of the fiscal year
11 beginning July 1, 2016.

12 DIVISION VIII

13 REAP — OPEN SPACES ACCOUNT

14 SPECIAL APPROPRIATION FOR FY 2013-2014

15 Sec. 24. 2013 Iowa Acts, chapter 132, is amended by adding
16 the following new section:

17 NEW SECTION. SEC. 65. SPECIAL APPROPRIATION.

18 1. Notwithstanding section 455A.19, subsection 1, paragraph
19 "a", there is appropriated from the open spaces account of
20 the Iowa resources enhancement and protection fund to the
21 department of natural resources for the fiscal year beginning
22 July 1, 2013, and ending June 30, 2014, the following amount,
23 or so much thereof as is necessary, to be used for the purposes
24 designated:

25 For purposes of supporting the regular maintenance and
26 operations of state parks and staff time associated with these
27 activities:

28 \$ 250,000

29 2. The moneys appropriated in subsection 1 shall be expended
30 on or after the effective date of this division of this Act
31 prior to the expenditure of any unobligated moneys remaining in
32 the open spaces account.

33 3. Notwithstanding section 455A.19, subsection 2, any
34 moneys appropriated in this section that remain unexpended
35 or unobligated at the close of the fiscal year beginning

LSB 5003HV (3) 85

-22-

da/jp

22/40



Iowa General Assembly
Daily Bills, Amendments and Study Bills
March 24, 2014

H.F. 2458

1 July 1, 2013, shall revert to the Iowa resources enhancement
2 and protection fund created pursuant to section 455A.18 for
3 allocation to accounts other than the open spaces account as
4 provided in section 455A.19.

5 Sec. 25. EFFECTIVE UPON ENACTMENT. This division of this
6 Act, being deemed of immediate importance, takes effect upon
7 enactment.

8 DIVISION IX

9 REAP — OPEN SPACES ACCOUNT

10 SPECIAL APPROPRIATIONS FOR FY 2014-2015

11 Sec. 26. 2013 Iowa Acts, chapter 132, is amended by adding
12 the following new section:

13 NEW SECTION. SEC. 66. SPECIAL APPROPRIATIONS.

14 1. Notwithstanding section 455A.19, subsection 1, paragraph
15 "a", there is appropriated from the open spaces account of
16 the Iowa resources enhancement and protection fund to the
17 department of natural resources for the fiscal year beginning
18 July 1, 2014, and ending June 30, 2015, the following amount,
19 or so much thereof as is necessary, to be used for the purposes
20 designated:

21 a. For purposes of supporting the regular maintenance and
22 operations of state parks and staff time associated with these
23 activities:

24 \$ 1,000,000

25 b. For purposes of providing for forestry health management
26 programs:

27 \$ 300,000

28 2. The moneys appropriated in subsection 1 shall be expended
29 on or after the effective date of this division of this Act
30 prior to the expenditure or obligation of any moneys allocated
31 to the account on or after the effective date of this division
32 of this Act.

33 3. Notwithstanding section 455A.19, subsection 2, any
34 moneys appropriated in this section that remain unexpended
35 or unobligated at the close of the fiscal year beginning

LSB 5003HV (3) 85

-23-

da/jp

23/40



Iowa General Assembly
Daily Bills, Amendments and Study Bills
March 24, 2014

H.F. 2458

1 July 1, 2014, shall revert to the Iowa resources enhancement
2 and protection fund created pursuant to section 455A.18 for
3 allocation to accounts other than the open spaces account as
4 provided in section 455A.19.

5 DIVISION X

6 RELATED STATUTORY CHANGES

7 DNR — PURCHASE OF RADIOS

8 Sec. 27. 2011 Iowa Acts, chapter 128, section 19, subsection
9 1, as amended by 2012 Iowa Acts, chapter 1135, section 15, as
10 amended by 2013 Iowa Acts, chapter 132, section 51, is amended
11 to read as follows:

12 SEC. 19. USE OF MONEYS — RADIOS.

13 1. Notwithstanding 2010 Iowa Acts, chapter 1191, section 7,
14 the department of natural resources may use the unappropriated
15 balance remaining in the state fish and game protection fund
16 for the fiscal year beginning July 1, 2010, and ending June
17 30, 2011, to purchase mobile radios to meet federal and state
18 requirements for homeland security and public safety. This
19 section applies to those moneys in the fund that are not
20 otherwise used, obligated, or encumbered for payment of health
21 and life insurance premium payments for conservation peace
22 officer retirements for that fiscal year. The department may
23 use such moneys until June 30, ~~2014~~ 2015.

24 Sec. 28. EFFECTIVE UPON ENACTMENT. This division of this
25 Act, being deemed of immediate importance, takes effect upon
26 enactment.

27 DIVISION XI

28 RELATED STATUTORY CHANGES

29 DNR — MANURE MANAGEMENT CERTIFICATION

30 Sec. 29. 2013 Iowa Acts, chapter 132, section 17, is amended
31 by adding the following new subsection:

32 NEW SUBSECTION. 2A. Notwithstanding section 8.33, moneys
33 appropriated in subsection 1 that remain unencumbered or
34 unobligated at the close of the fiscal year beginning July
35 1, 2013, shall not revert but shall remain available for

LSB 5003HV (3) 85

-24-

da/jp

24/40



Iowa General Assembly
Daily Bills, Amendments and Study Bills
March 24, 2014

H.F. 2458

1 expenditure for the purposes designated until the close of the
2 fiscal year beginning July 1, 2014.

3 Sec. 30. EFFECTIVE UPON ENACTMENT. This division of this
4 Act, being deemed of immediate importance, takes effect upon
5 enactment.

6 DIVISION XII

7 RELATED STATUTORY CHANGES FOR CODIFICATION IN 2014

8 WATER QUALITY INITIATIVE — CONFIDENTIALITY

9 Sec. 31. Section 466B.47, subsection 5, Code 2014, is
10 amended by striking the subsection.

11 Sec. 32. NEW SECTION. 466B.49 Confidentiality of
12 information.

13 Any information received, collected, or held under this
14 subchapter is a confidential record, and is exempted from
15 public access as provided in section 22.7, if all of the
16 following apply:

17 1. The information is received, collected, or held by any
18 of the following:

19 a. The center.

20 b. A nonprofit organization that conducts nutrient
21 management research, including but not limited to conducting
22 evaluations, assessments, or validations.

23 2. The information identifies any of the following:

24 a. A person who holds a legal interest in agricultural land
25 or who has previously held a legal interest in agricultural
26 land.

27 b. A person who is involved or who has previously been
28 involved in managing the agricultural land or producing crops
29 or livestock on the agricultural land.

30 c. The identifiable location of the agricultural land.

31 Sec. 33. EFFECTIVE UPON ENACTMENT. This division of this
32 Act, being deemed of immediate importance, takes effect upon
33 enactment.

34 DIVISION XIII

35 RELATED STATUTORY CHANGES FOR CODIFICATION IN 2014

LSB 5003HV (3) 85

-25-

da/jp

25/40



Iowa General Assembly
Daily Bills, Amendments and Study Bills
March 24, 2014

H.F. 2458

1 REAP RESTRICTIONS ON OPEN SPACES ACCOUNT

2 Sec. 34. Section 455A.19, subsection 1, paragraph a, Code
3 2014, is amended by adding the following new subparagraph:

4 NEW SUBPARAGRAPH. (4) The department shall not acquire
5 any interest in land using moneys allocated to the open spaces
6 account under this paragraph "a" by exercising the power of
7 eminent domain, including as provided in chapters 6A and 6B.

8 Sec. 35. PENDING EMINENT DOMAIN PROCEEDINGS

9 TERMINATED. Any proceeding commenced by the state and pending
10 on the effective date of this division of this Act to acquire
11 any interest in land using moneys allocated to the open spaces
12 account under section 455A.19, subsection 1, paragraph "a", by
13 exercising the power of eminent domain, including as provided
14 in chapters 6A and 6B, shall be immediately terminated.

15 Sec. 36. APPROPRIATION MADE CONTINGENT. All unencumbered
16 and unobligated moneys appropriated to the department of
17 natural resources from the general fund of the state under
18 2013 Iowa Acts, chapter 132, section 37, as amended in this
19 2014 Iowa Act, shall immediately revert to the general fund of
20 the state if the department uses moneys allocated to the open
21 spaces account under section 455A.19, subsection 1, paragraph
22 "a", to acquire any interest in land by exercising the power of
23 eminent domain, including as provided in chapters 6A and 6B.

24 Sec. 37. EFFECTIVE UPON ENACTMENT. This division of this
25 Act, being deemed of immediate importance, takes effect upon
26 enactment.

27 DIVISION XIV

28 RELATED STATUTORY CHANGES FOR CODIFICATION IN 2014 LOESS HILLS

29 AUTHORITY AND ALLIANCE

30 Sec. 38. NEW SECTION. 161D.9 **Oversee or manage public or**
31 **private land — referendum.**

32 1. The loess hills development and conservation authority
33 or the board of directors of the loess hills alliance shall not
34 execute any agreement with a local government or the state or
35 federal government, if the agreement allows the authority or

LSB 5003HV (3) 85

-26-

da/jp

26/40



Iowa General Assembly
Daily Bills, Amendments and Study Bills
March 24, 2014

H.F. 2458

1 alliance to oversee or manage public or private land situated
2 within the loess hills area, unless the question to oversee or
3 manage such land is approved by a referendum of eligible voters
4 asked to answer either "yes" or "no". An eligible voter must
5 be an individual who is a citizen of the United States, not
6 less than eighteen years of age, and the owner of land located
7 within twenty-five miles from the borders of the land that the
8 authority or alliance proposes to oversee or manage.

9 2. a. The board of directors of the alliance shall provide
10 notice of the referendum to eligible voters by publication in
11 the same manner provided in section 331.305. A copy of the
12 notice shall also be sent by ordinary mail to the last known
13 mailing address of each eligible voter. The notice shall
14 provide eligible voters with all information necessary to cast
15 a vote at a reasonable time and a reasonable manner.

16 b. The board of directors of the alliance may conduct the
17 referendum by mail, electronic means, or a general meeting of
18 eligible voters. The board of directors shall conduct the
19 referendum and count and tabulate the ballots cast during
20 the referendum within thirty days following the close of the
21 referendum.

22 c. If the voters disapprove the question, an additional
23 referendum on the same question shall not be conducted.

24 3. This section shall not be construed to increase the
25 authority of the alliance provided in this chapter.

26 Sec. 39. NEW SECTION. 161D.10 Rules.

27 The board of directors of the alliance shall adopt all rules
28 necessary to administer this subchapter.

29 Sec. 40. EFFECTIVE UPON ENACTMENT. This division of this
30 Act, being deemed of immediate importance, takes effect upon
31 enactment.

32 DIVISION XV

33 RELATED STATUTORY CHANGES FOR CODIFICATION IN 2014

34 EMINENT DOMAIN

35 Sec. 41. NEW SECTION. 6A.15 Property on state historic

LSB 5003HV (3) 85

-27-

da/jp

27/40



Iowa General Assembly
Daily Bills, Amendments and Study Bills
March 24, 2014

H.F. 2458

1 registry.

2 1. Property listed on the state register of historic places
3 maintained by the historical division of the department of
4 cultural affairs shall not be removed from the register solely
5 for the purpose of allowing acquisition of the property by
6 condemnation, unless such condemnation is undertaken by the
7 department of transportation.

8 2. Property listed on the state register of historic places
9 maintained by the historical division of the department of
10 cultural affairs shall not be condemned by the state or a
11 political subdivision unless a joint resolution authorizing
12 commencement of the condemnation proceedings is approved by a
13 vote of at least two-thirds of the members of both chambers of
14 the general assembly and signed by the governor. The approval
15 requirements of this subsection shall not apply to condemnation
16 undertaken by the department of transportation.

17 Sec. 42. Section 6A.19, Code 2014, is amended to read as
18 follows:

19 **6A.19 Interpretative clause.**

20 A grant in this chapter of right to take private property
21 for a public use shall not be construed as limiting a like
22 grant elsewhere in the Code for another and different use.
23 Unless specifically provided by law, this chapter shall not
24 be construed to limit or otherwise affect the application of
25 chapters 478 and 479 to the eminent domain authority of the
26 utilities division of the department of commerce.

27 Sec. 43. Section 6A.22, subsection 2, paragraph c,
28 subparagraph (1), Code 2014, is amended to read as follows:

29 (1) (a) If private property is to be condemned for
30 development or creation of a lake, only that number of acres
31 justified as reasonable and necessary for a surface drinking
32 water source, and not otherwise acquired, may be condemned.
33 In addition, the acquiring agency shall conduct a review of
34 prudent and feasible alternatives to provision of a drinking
35 water source prior to making a determination that such

LSB 5003HV (3) 85

-28-

da/jp

28/40



Iowa General Assembly
Daily Bills, Amendments and Study Bills
March 24, 2014

H.F. 2458

1 lake development or creation is reasonable and necessary.
2 Development or creation of a lake as a surface drinking water
3 source includes all of the following:
4 (i) Construction of the dam, including sites for suitable
5 borrow material and the auxiliary spillway.
6 (ii) The water supply pool.
7 (iii) The sediment pool.
8 (iv) The flood control pool.
9 (v) The floodwater retarding pool.
10 (vi) The surrounding area upstream of the dam no higher in
11 elevation than the top of the dam's elevation.
12 (vii) The appropriate setback distance required by state or
13 federal laws and regulations to protect drinking water supply.
14 (b) For purposes of this subparagraph (1), *"number of acres*
15 *justified as reasonable and necessary for a surface drinking*
16 *water source"* means according to guidelines of the United
17 States natural resource conservation service and according to
18 analyses of ~~surface~~ drinking water capacity needs conducted by
19 one or more registered professional engineers. The registered
20 professional engineers may, if appropriate, employ standards
21 or guidelines other than the guidelines of the United States
22 natural resource conservation service when determining the
23 number of acres justified as reasonable and necessary for
24 a surface drinking water source. The data and information
25 used by the registered professional engineers shall include
26 data and information relating to population and commercial
27 enterprise activity for the area from the two most recent
28 federal decennial censuses unless the district court of the
29 county in which the property is situated has determined by
30 a preponderance of the evidence that such data would not
31 accurately predict the population and commercial enterprise
32 activity of the area in the future.
33 (c) A second review or analysis of the drinking water
34 capacity needs shall be performed upon receipt by the acquiring
35 agency of a petition signed by not less than twenty-five



Iowa General Assembly
Daily Bills, Amendments and Study Bills
March 24, 2014

H.F. 2458

1 percent of the affected property owners. The registered
2 professional engineer to perform the second review or analysis
3 shall be selected by a committee appointed by the affected
4 property owners and whose membership is comprised of at
5 least fifty percent property owners affected by the proposed
6 condemnation action. The acquiring agency shall be responsible
7 for paying the fees and expenses of such an engineer.

8 (d) If private property is to be condemned for development
9 or creation of a lake, the plans, analyses, applications,
10 including any application for funding, and other planning
11 activities of the acquiring agency shall not include or provide
12 for the use of the lake for recreational purposes.

13 Sec. 44. Section 6B.54, subsection 10, paragraph a, Code
14 2014, is amended by adding the following new subparagraph:

15 NEW SUBPARAGRAPH. (3) Reasonable attorney fees and
16 reasonable costs not to exceed one hundred thousand dollars,
17 attributable to a determination that the creation of a lake
18 through condemnation includes a future recreational use or that
19 a violation of section 6A.22, subsection 2, paragraph "c",
20 subparagraph (1), subparagraph division (d), has occurred, if
21 such fees and costs are not otherwise provided under section
22 6B.33.

23 Sec. 45. NEW SECTION. 6B.56B Disposition of condemned
24 property — two-year time period.

25 1. When two years have elapsed since property was condemned
26 for the creation of a lake according to the requirements of
27 section 6A.22, subsection 2, paragraph "c", subparagraph (1),
28 and the property has not been used for or construction has
29 not progressed substantially from the date the property was
30 condemned for the purpose stated in the application filed
31 pursuant to section 6B.3, and the acquiring agency has not
32 taken action to dispose of the property pursuant to section
33 6B.56, the acquiring agency shall, within sixty days, adopt a
34 resolution offering the property for sale to the prior owner
35 at a price as provided in section 6B.56. If the resolution

LSB 5003HV (3) 85

-30-

da/jp

30/40



Iowa General Assembly
Daily Bills, Amendments and Study Bills
March 24, 2014

H.F. 2458

1 adopted approves an offer of sale to the prior owner, the offer
2 shall be made in writing and mailed by certified mail to the
3 prior owner. The prior owner has one hundred eighty days after
4 the offer is mailed to purchase the property from the acquiring
5 agency.

6 2. If the acquiring agency has not adopted a resolution
7 described in subsection 1 within the sixty-day time period, the
8 prior owner may, in writing, petition the acquiring agency to
9 offer the property for sale to the prior owner at a price as
10 provided in section 6B.56. Within sixty days after receipt of
11 such a petition, the acquiring agency shall adopt a resolution
12 described in subsection 1. If the acquiring agency does not
13 adopt such a resolution within sixty days after receipt of the
14 petition, the acquiring agency is deemed to have offered the
15 property for sale to the prior owner.

16 3. The acquiring agency shall give written notice to the
17 owner of the right to purchase the property under this section
18 at the time damages are paid to the owner.

19 Sec. 46. Section 403.7, subsection 1, unnumbered paragraph
20 1, Code 2014, is amended to read as follows:

21 A municipality shall have the right to acquire by
22 condemnation any interest in real property, including a fee
23 simple title thereto, which it may deem necessary for or in
24 connection with an urban renewal project under this chapter,
25 subject to the limitations on eminent domain authority
26 in ~~chapter~~ chapters 6A and 6B. However, a municipality
27 shall not condemn agricultural land included within an
28 economic development area for any use unless the owner of
29 the agricultural land consents to condemnation or unless the
30 municipality determines that the land is necessary or useful
31 for any of the following:

32 Sec. 47. NEW SECTION. 423B.11 Use of revenues —
33 limitation.

34 The revenue raised by a local sales and services tax imposed
35 under this chapter by a county shall not be expended for any

LSB 5003HV (3) 85

-31-

da/jp

31/40



Iowa General Assembly
Daily Bills, Amendments and Study Bills
March 24, 2014

H.F. 2458

1 purpose related to a project that includes the condemnation of
2 private property for the creation of a lake according to the
3 requirements of section 6A.22, subsection 2, paragraph "c",
4 subparagraph (1), if the local sales and services tax has not
5 been approved at election in the area where the property to be
6 condemned is located.

7 Sec. 48. Section 455A.5, Code 2014, is amended by adding the
8 following new subsection:

9 NEW SUBSECTION. 7. The authority granted to the commission
10 to acquire real property for purposes of carrying out a
11 duty related to development or maintenance of the recreation
12 resources of the state, including planning, acquisition, and
13 development of recreational projects, and areas and facilities
14 related to such projects, shall not include the authority to
15 acquire real property by eminent domain.

16 Sec. 49. Section 456A.24, subsection 2, unnumbered
17 paragraph 1, Code 2014, is amended to read as follows:

18 Acquire by purchase, ~~condemnation~~, lease, agreement,
19 gift, and devise lands or waters suitable for the purposes
20 hereinafter enumerated, and rights-of-way thereto, and to
21 maintain the same for the following purposes, ~~to wit~~:

22 Sec. 50. Section 456A.24, Code 2014, is amended by adding
23 the following new subsection:

24 NEW SUBSECTION. 15. The authority granted the department
25 to acquire real property for any statutory purpose relating to
26 the development or maintenance of the recreation resources of
27 the state, including planning, acquisition, and development
28 of recreational projects, and areas and facilities related to
29 such projects, shall not include the authority to acquire real
30 property by eminent domain.

31 Sec. 51. Section 461A.7, Code 2014, is amended to read as
32 follows:

33 **461A.7 Eminent domain Purchase of lands — public parks.**

34 The commission may purchase ~~or condemn~~ lands from willing
35 sellers for public parks. ~~No~~ A contract for the purchase of

LSB 5003HV (3) 85

-32-

da/jp

32/40



Iowa General Assembly
Daily Bills, Amendments and Study Bills
March 24, 2014

H.F. 2458

1 such public parks shall not be made to an amount in excess of
2 funds appropriated therefor by the general assembly.

3 Sec. 52. Section 461A.10, Code 2014, is amended to read as
4 follows:

5 **461A.10 Title to lands.**

6 The title to all lands purchased, ~~condemned~~, or donated,
7 hereunder, for park ~~or highway~~ purposes and the title to all
8 lands purchased, condemned, or donated hereunder for highway
9 purposes, shall be taken in the name of the state and if
10 thereafter it shall be deemed advisable to sell any portion of
11 the land so purchased or condemned, the proceeds of such sale
12 shall be placed to the credit of the ~~said~~ public state parks
13 fund to be used for such park purposes.

14 Sec. 53. Section 463C.8, subsection 1, paragraph k, Code
15 2014, is amended to read as follows:

16 k. The power to acquire, own, hold, administer, and dispose
17 of property, except that such power is not a grant of authority
18 to acquire property by eminent domain.

19 Sec. 54. 2013 Iowa Acts, chapter 132, is amended by adding
20 the following new section:

21 NEW SECTION. SEC. 75. REPEAL. Sections 461A.9 and 461A.75,
22 Code 2014, are repealed.

23 Sec. 55. SEVERABILITY. If any provision of this division of
24 this Act is held invalid, the invalidity shall not affect other
25 provisions or applications of this division of this Act which
26 can be given effect without the invalid provision, and to this
27 end the provisions of this division of this Act are severable
28 as provided in section 4.12.

29 Sec. 56. EFFECTIVE UPON ENACTMENT. This division of this
30 Act, being deemed of immediate importance, takes effect upon
31 enactment.

32 Sec. 57. APPLICABILITY. Except as otherwise provided in
33 this division of this Act, this division of this Act applies to
34 projects or condemnation proceedings pending or commenced on or
35 after the effective date of this division of this Act.

LSB 5003HV (3) 85

-33-

da/jp

33/40



Iowa General Assembly
Daily Bills, Amendments and Study Bills
March 24, 2014

H.F. 2458

1 Sec. 58. RETROACTIVE APPLICABILITY. Notwithstanding any
2 provision of law to the contrary, the following provision or
3 provisions of this division of this Act apply retroactively to
4 projects or condemnation proceedings pending or commenced on or
5 after February 15, 2013:

6 1. The section of this division of this Act amending section
7 6A.22.

8 2. The section of this division of this Act enacting section
9 6B.56B.

10 EXPLANATION

11 The inclusion of this explanation does not constitute agreement with
12 the explanation's substance by the members of the general assembly.

13 GENERAL. This bill relates to agriculture and natural
14 resources by increasing previously enacted appropriations
15 and making new appropriations for the 2014-2015 fiscal year
16 to support related entities, including the department of
17 agriculture and land stewardship (DALS), the department of
18 natural resources (DNR), and Iowa state university (ISU). The
19 previously enacted appropriations were made in 2013 Iowa Acts,
20 chapter 132 (SF 435).

21 DALS — GENERAL FUND APPROPRIATION. For DALS, moneys are
22 appropriated from the general fund in order to support its
23 administrative divisions. Moneys are transferred to Iowa state
24 university to support its midwest grape and wine institute.

25 DALS — MISCELLANEOUS FUNDS APPROPRIATIONS. The bill
26 appropriates moneys from a number of sources to support DALS
27 in order to support designated purposes, including moneys
28 derived from unclaimed winnings from horse and dog races,
29 for administration and enforcement of racing regulations
30 (Code section 99D.22); and moneys from the renewable fuel
31 infrastructure fund, for purposes of motor fuel inspection and
32 auditing biofuel processing and production (Code chapter 214A).

33 DALS — SPECIAL GENERAL FUND APPROPRIATIONS. The bill makes
34 special appropriations from the general fund to DALS in order
35 to support specific purposes including milk inspection (Code

LSB 5003HV (3) 85

-34-

da/jp

34/40



Iowa General Assembly
Daily Bills, Amendments and Study Bills
March 24, 2014

H.F. 2458

1 section 192.109), the local food and farm program (Code chapter
2 267A), an agricultural education organization, and assistance
3 to farmers with disabilities.

4 DALS — WATER QUALITY INITIATIVE. Moneys are appropriated
5 from the general fund for deposit in a water quality initiative
6 fund for purposes of supporting a water quality initiative
7 administered by DALS' soil conservation division and ISU. The
8 bill allows DALS to use a portion of the appropriated moneys
9 for urban soil and water conservation.

10 DNR — GENERAL FUND AND OTHER MAJOR FUNDS APPROPRIATIONS.
11 The bill makes appropriations from a number of funds to DNR in
12 order to support its administrative divisions involving natural
13 resources and environmental protection from the general fund
14 of the state, the state fish and game protection fund, and the
15 groundwater protection fund.

16 DNR — DESIGNATED MISCELLANEOUS FUNDS APPROPRIATIONS. The
17 bill appropriates moneys to DNR from a number of sources to
18 support designated purposes, including moneys deposited in the
19 special snowmobile fund (Code section 321G.7) to provide for
20 administering and enforcing the state snowmobile programs; and
21 moneys deposited in the unassigned revenue fund for purposes
22 of paying for administration of the department's underground
23 storage tank section.

24 DNR — SPECIAL GENERAL FUND APPROPRIATIONS. The bill also
25 makes special appropriations from the general fund to DNR
26 in order to support specific purposes including floodplain
27 management and dam safety, and forestry health management
28 programs. Moneys are also transferred from the general fund to
29 the loess hills development and conservation fund.

30 ISU — SPECIAL GENERAL FUND APPROPRIATIONS. The bill
31 appropriates moneys from the general fund to ISU to support the
32 operation of its veterinary diagnostic laboratory.

33 DALS AND DNR — GENERAL ENVIRONMENT FIRST FUND. The bill
34 appropriates moneys from the environment first fund to DALS
35 and DNR. For DALS, moneys are appropriated to support the

LSB 5003HV (3) 85

-35-

da/jp

35/40



Iowa General Assembly
Daily Bills, Amendments and Study Bills
March 24, 2014

H.F. 2458

1 conservation reserve enhancement program, a farm management
2 demonstration program, the conservation reserve program; soil
3 and water conservation efforts, the loess hills development and
4 conservation fund, and the agricultural drainage well water
5 quality assistance fund. For DNR, moneys are appropriated to
6 support keepers of the land; the maintenance of state parks;
7 geographic information systems; water quality monitoring; the
8 public water supply system account; the regulation of animal
9 feeding operations; ambient air quality regulation; water
10 quality regulation; the operation of DNR's geological and water
11 survey; the keep Iowa beautiful initiative; and the silos and
12 smokestacks national heritage area.

13 The bill provides that moneys appropriated to DALS for FY
14 2014 and FY 2015 to support soil and water conservation do not
15 revert until the close of the fourth fiscal year after the
16 appropriation was made.

17 RESOURCE ENHANCEMENT AND PROTECTION (REAP). The amount
18 of \$16 million is appropriated from the environment first
19 fund for FY 2014-2015 in lieu of the \$20 million standing
20 appropriation from the general fund (Code section 455A.18). A
21 special appropriation is made from REAP's open spaces account
22 for FY 2013-2014 and FY 2014-2015. The appropriation for FY
23 2013-2014 is for purposes of supporting regular maintenance
24 and operations of state parks and the appropriation for
25 FY 2014-2015 is made for purposes of supporting regular
26 maintenance and operations of state parks forestry health
27 management programs.

28 DNR PURCHASE OF RADIOS. The bill extends the period for
29 one year that DNR is authorized to purchase radios using the
30 unappropriated balance remaining in the state fish and game
31 fund.

32 MANURE MANAGEMENT CERTIFICATION. The bill extends for
33 another fiscal year the period when DNR may expend money
34 appropriated for FY 2013-2014 in order to implement an online
35 certification program for manure applicators. The provision is

LSB 5003HV (3) 85

-36-

da/jp

36/40



Iowa General Assembly
Daily Bills, Amendments and Study Bills
March 24, 2014

H.F. 2458

1 effective upon enactment.

2 STATUTORY CHANGES — REAP'S OPEN SPACES ACCOUNT. The bill
3 prohibits DNR from exercising eminent domain power in acquiring
4 land using moneys allocated to REAP's open spaces account.

5 STATUTORY CHANGES — WATER QUALITY INITIATIVE. The bill
6 provides that information received, collected, or held by the
7 Iowa nutrient research center or a nonprofit organization
8 acting under the water quality initiative (Code chapter 466B,
9 subchapter IV) is a confidential record and exempted from
10 public access under the public records law.

11 STATUTORY CHANGES — LOESS HILLS DEVELOPMENT AND
12 CONSERVATION. The bill prohibits the loess hills development
13 and conservation authority or board of directors of the loess
14 hills alliance from executing any agreement with a local
15 government or the state or federal government that allows the
16 authority or alliance to oversee or manage public or private
17 land unless approved by a referendum of persons holding land
18 in proximity to the land proposed to be overseen or managed.
19 The board is also required to adopt rules to administer its
20 responsibilities.

21 STATUTORY CHANGES — EMINENT DOMAIN PROCEDURES.

22 GENERAL. The bill includes a division that makes changes
23 relating to eminent domain authority and procedures.

24 STATE REGISTER OF HISTORIC PLACES. The bill provides that
25 property listed on the state register of historic places shall
26 not be removed from the register solely for the purpose of
27 allowing the property to be acquired by condemnation unless the
28 condemnation is undertaken by the department of transportation.
29 The bill also provides that property on the state register
30 of historic places shall not be condemned unless a joint
31 resolution authorizing the condemnation is approved by a vote
32 of at least two-thirds of each chamber of the general assembly
33 and signed by the governor. This approval procedure, however,
34 does not apply to a condemnation undertaken by the department
35 of transportation.

LSB 5003HV (3) 85

-37-

da/jp

37/40



Iowa General Assembly
Daily Bills, Amendments and Study Bills
March 24, 2014

H.F. 2458

1 UTILITIES DIVISION. The bill specifies that Code chapter
2 6A, unless specifically provided by law, is not to be construed
3 to limit or otherwise affect the application of Code chapters
4 478 and 479 providing eminent domain authority to the utilities
5 division of the department of commerce.

6 LAKES — GENERAL. The bill makes changes relating to eminent
7 domain authority in relation to development or creation of
8 a lake. The bill provides that when determining the number
9 of acres justified as reasonable and necessary for a surface
10 drinking water source, the registered professional engineers
11 may, if appropriate, employ standards or guidelines other
12 than the guidelines of the United States natural resource
13 conservation service. The bill requires the data and
14 information used by the registered professional engineers
15 to include data and information relating to population and
16 commercial enterprise activity for the area from the two most
17 recent federal decennial censuses unless the district court of
18 the county in which the property is situated has determined
19 by a preponderance of the evidence that such data would not
20 accurately predict the population and commercial enterprise
21 activity of the area in the future.

22 LAKES — DRINKING WATER. The bill also provides that a
23 second review or analysis of the drinking water capacity needs
24 shall be performed upon receipt by the acquiring agency of a
25 petition signed by not less than 25 percent of the affected
26 property owners. The registered professional engineer to
27 perform the second review or analysis shall be selected by
28 a committee appointed by the affected property owners and
29 comprised of at least 50 percent property owners affected by
30 the proposed condemnation action. The bill further provides
31 that the acquiring agency shall pay for the services of such
32 an engineer.

33 LAKES — RECREATIONAL PURPOSES LIMITED. The bill provides
34 that if private property is to be condemned for development
35 or creation of a lake, the plans, analyses, applications,

LSB 5003HV (3) 85

-38-

da/jp

38/40



Iowa General Assembly
Daily Bills, Amendments and Study Bills
March 24, 2014

H.F. 2458

1 including any application for funding, and other planning
2 activities of the acquiring agency shall not include or provide
3 for the use of the lake for recreational purposes.

4 LAKES — ATTORNEY FEES. The bill adds reasonable attorney
5 fees and reasonable costs that are attributable to certain
6 condemnation proceedings relating to the creation of a lake,
7 up to \$100,000, to the list of expenses reimbursable by an
8 acquiring agency to a property owner.

9 LAKES — RESALE TO PRIOR OWNER. The bill provides that
10 when two years have elapsed since property was condemned for
11 the creation of a lake and the property has not been used
12 for or construction has not progressed substantially for the
13 purpose stated in the application, and the acquiring agency
14 has not taken action to dispose of the property pursuant to
15 Code section 6B.56, the acquiring agency shall, within 60
16 days, adopt a resolution offering the property for sale to the
17 prior owner at a price as provided in Code section 6B.56. If
18 the acquiring agency has not adopted a resolution within the
19 60-day time period, the prior owner may petition the acquiring
20 agency to offer the property for sale to the prior owner at a
21 price as provided in Code section 6B.56. The bill requires the
22 acquiring agency to give written notice to the owner at the
23 time damages are paid to the owner of the right to purchase the
24 property under such circumstances.

25 LAKES — LOCAL SALES AND SERVICES TAX. The bill provides
26 that the revenue raised by a local sales and services tax
27 imposed under Code chapter 423B by a county shall not be
28 expended for any purpose related to a project that includes
29 the condemnation of private property for the creation of a
30 lake if the local sales and services tax has not been approved
31 at election in the area where the property to be condemned is
32 located.

33 URBAN RENEWAL. The bill also amends urban renewal law
34 relating to the circumstances in which a municipality may
35 condemn agricultural land within an economic development urban

LSB 5003HV (3) 85

-39-

da/jp

39/40



Iowa General Assembly
Daily Bills, Amendments and Study Bills
March 24, 2014

H.F. 2458

1 renewal area to provide that condemnation may occur if viable
2 alternatives do not exist and the acquisition of the land is
3 necessary for the purposes stated in current law.

4 RECREATIONAL USES LIMITED. The bill provides that DNR and
5 the natural resource commission shall not exercise eminent
6 domain authority to acquire real property for purposes of
7 carrying out a duty related to development or maintenance of
8 the recreation resources of the state, including planning,
9 acquisition, and development of recreational projects,
10 and areas and facilities related to such projects. The
11 bill retains DNR's authority to acquire property through
12 condemnation for highway purposes.

13 The bill's division takes effect upon enactment and the
14 provisions amending Code section 6A.22 and enacting Code
15 section 6B.56B apply retroactively to projects or condemnation
16 proceedings pending or commenced on or after February 15, 2013.



Iowa General Assembly
Daily Bills, Amendments and Study Bills
March 24, 2014

House Study Bill 680 - Introduced

HOUSE FILE _____
BY (PROPOSED COMMITTEE ON
WAYS AND MEANS BILL BY
CHAIRPERSON SANDS)

A BILL FOR

1 An Act exempting from the state individual income tax the
2 earnings from a burial trust fund, and including retroactive
3 applicability provisions.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5874YC (1) 85
mm/sc



Iowa General Assembly
Daily Bills, Amendments and Study Bills
March 24, 2014

H.F. _____

1 Section 1. Section 422.7, Code 2014, is amended by adding
2 the following new subsection:
3 NEW SUBSECTION. 48. Subtract, to the extent included,
4 income from interest and earnings received from a burial trust
5 fund as defined in section 523A.102.
6 Sec. 2. RETROACTIVE APPLICABILITY. This Act applies
7 retroactively to January 1, 2014, for tax years beginning on
8 or after that date.

9 EXPLANATION

10 The inclusion of this explanation does not constitute agreement with
11 the explanation's substance by the members of the general assembly.

12 This bill exempts from the state individual income tax
13 the interest and earnings received from a burial trust fund.
14 Burial trust funds, which are governed by Code chapter 523A,
15 are irrevocable trusts established by a person with a financial
16 institution for the purpose of funding the future purchase of
17 cemetery merchandise, funeral merchandise, funeral services, or
18 a combination thereof upon the death of the person named in the
19 burial trust fund's records or a related purchase agreement.
20 The bill applies retroactively to January 1, 2014, for tax
21 years beginning on or after that date.



Iowa General Assembly
Daily Bills, Amendments and Study Bills
March 24, 2014

House Study Bill 681 - Introduced

HOUSE FILE _____
BY (PROPOSED COMMITTEE ON
WAYS AND MEANS BILL BY
CHAIRPERSON SANDS)

A BILL FOR

1 An Act exempting from the sales tax the sales price for the use
2 of self-pay washers and dryers.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 6187YC (2) 85
mm/sc



Iowa General Assembly
Daily Bills, Amendments and Study Bills
March 24, 2014

H.F. _____

1 Section 1. Section 423.2, subsection 6, paragraph a, Code
2 2014, is amended to read as follows:
3 a. The sales price of any of the following enumerated
4 services is subject to the tax imposed by subsection
5 5: alteration and garment repair; armored car; vehicle repair;
6 battery, tire, and allied; investment counseling; service
7 charges of all financial institutions; barber and beauty; boat
8 repair; vehicle wash and wax; campgrounds; carpentry; roof,
9 shingle, and glass repair; dance schools and dance studios;
10 dating services; dry cleaning, pressing, dyeing, and laundering
11 excluding the use of self-pay washers and dryers; electrical
12 and electronic repair and installation; excavating and
13 grading; farm implement repair of all kinds; flying service;
14 furniture, rug, carpet, and upholstery repair and cleaning; fur
15 storage and repair; golf and country clubs and all commercial
16 recreation; gun and camera repair; house and building moving;
17 household appliance, television, and radio repair; janitorial
18 and building maintenance or cleaning; jewelry and watch
19 repair; lawn care, landscaping, and tree trimming and removal;
20 limousine service, including driver; machine operator; machine
21 repair of all kinds; motor repair; motorcycle, scooter, and
22 bicycle repair; oilers and lubricators; office and business
23 machine repair; painting, papering, and interior decorating;
24 parking facilities; pay television; pet grooming; pipe
25 fitting and plumbing; wood preparation; executive search
26 agencies; private employment agencies, excluding services
27 for placing a person in employment where the principal place
28 of employment of that person is to be located outside of the
29 state; reflexology; security and detective services, excluding
30 private security and detective services furnished by a peace
31 officer with the knowledge and consent of the chief executive
32 officer of the peace officer's law enforcement agency; sewage
33 services for nonresidential commercial operations; sewing
34 and stitching; shoe repair and shoeshine; sign construction
35 and installation; storage of household goods, mini-storage,



Iowa General Assembly
Daily Bills, Amendments and Study Bills
March 24, 2014

H.F. _____

1 and warehousing of raw agricultural products; swimming pool
2 cleaning and maintenance; tanning beds or salons; taxidermy
3 services; telephone answering service; test laboratories,
4 including mobile testing laboratories and field testing by
5 testing laboratories, and excluding tests on humans or animals;
6 termite, bug, roach, and pest eradicators; tin and sheet metal
7 repair; transportation service consisting of the rental of
8 recreational vehicles or recreational boats, or the rental of
9 motor vehicles subject to registration which are registered for
10 a gross weight of thirteen tons or less for a period of sixty
11 days or less, or the rental of aircraft for a period of sixty
12 days or less; Turkish baths, massage, and reducing salons,
13 excluding services provided by massage therapists licensed
14 under chapter 152C; water conditioning and softening; weighing;
15 welding; well drilling; wrapping, packing, and packaging
16 of merchandise other than processed meat, fish, fowl, and
17 vegetables; wrecking service; wrecker and towing.

18 Sec. 2. Section 423.3, Code 2014, is amended by adding the
19 following new subsection:

20 NEW SUBSECTION. 101. The sales price for the use of a
21 self-pay washer or dryer.

22 EXPLANATION

23 The inclusion of this explanation does not constitute agreement with
24 the explanation's substance by the members of the general assembly.

25 This bill exempts the sales price for the use of self-pay
26 washers and dryers from the sales tax.

27 By operation of Code section 423.6, an item exempt from the
28 imposition of the sales tax is also exempt from the use tax
29 imposed in Code section 423.5.



Iowa General Assembly
Daily Bills, Amendments and Study Bills
March 24, 2014

House Study Bill 682 - Introduced

HOUSE FILE _____
BY (PROPOSED COMMITTEE ON
WAYS AND MEANS BILL BY
CHAIRPERSON SANDS)

A BILL FOR

1 An Act relating to state and local government powers and
2 limitations, including authorizing loans from city reserve
3 funds.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 6186YC (1) 85
aw/sc



Iowa General Assembly
Daily Bills, Amendments and Study Bills
March 24, 2014

H.F. _____

1 Section 1. Section 384.4, subsection 1, Code 2014, is
2 amended by adding the following new paragraph:

3 NEW PARAGRAPH. *f.* Payments of principal and interest on
4 loans entered into pursuant to section 384.24B and authorized
5 for repayment by the council from the debt service fund.

6 Sec. 2. NEW SECTION. **384.24B General obligation loans**
7 **funded by the city.**

8 1. A city may authorize a loan, as defined in this section,
9 to borrow money for any general corporate purpose or essential
10 corporate purpose in accordance with and subject to the
11 provisions of this section.

12 2. *a.* For purposes of this section, "*loan*" means the
13 sum of the transfers from the surplus of one or more reserve
14 accounts or funds of the city which transfers are authorized
15 for the purpose specified in the loan authorization document.
16 A transfer from a reserve account or fund for the purposes of
17 this section shall not cause the balance of reserves in such
18 account or fund at the close of the fiscal year following the
19 fiscal year in which the transfer is made to fall below any
20 minimum balance prescribed by law for such account or fund.
21 For the purposes of this section, "*reserve account or fund*"
22 means moneys held by a city that are not operating funds, as
23 defined in section 12B.10A, and which is authorized by law to
24 receive interest pursuant to section 12C.7.

25 *b.* A loan to finance a general obligation bond project
26 under this section shall not result in a user fee, rate, or
27 property tax increase to support the annual operations of the
28 account or fund from which the loan is made, as a result of
29 the unavailability of the surplus funds. For the purposes of
30 this section, "*surplus*" means the cash balance available in
31 any account or fund from which a loan will be made under this
32 section which exceeds the amount of expenses or disbursements
33 made from the account or fund in the previous three months,
34 plus the amount of transfers, payments, or disbursements
35 required in the following three months.

LSB 6186YC (1) 85

-1-

aw/sc

1/8



Iowa General Assembly
Daily Bills, Amendments and Study Bills
March 24, 2014

H.F. _____

1 3. a. A loan entered into by a city pursuant to this
2 section may contain provisions similar to those found in loan
3 agreements between private parties, including but not limited
4 to the issuance of notes to evidence its obligations. The
5 terms of each loan shall require repayment of the loan within
6 ninety days to the extent necessary to prevent a user fee,
7 rate, or property tax increase which raises the user fees,
8 rates, or property taxes payable into the account or fund from
9 which the loan is made above the level in effect at the time a
10 loan under this section is authorized.

11 b. A loan authorized pursuant to this section shall
12 constitute an indebtedness within the meaning of any
13 constitutional debt limitation and shall be reported by the
14 city to the state treasurer in the same manner as required
15 for bonding activities pursuant to section 12.1. The full
16 or partial refunding of any loan under this section shall
17 be authorized as an essential corporate purpose pursuant to
18 section 384.24, subsection 3, paragraph "f".

19 4. A loan made pursuant to this section is payable from the
20 debt service fund of the city. The governing body shall follow
21 the same authorization procedures required for the issuance
22 of general obligation bonds issued for the same purpose to
23 authorize a loan made payable from the debt service fund.
24 Upon approval of a loan, the loan shall be accounted for in
25 accordance with section 384.20.

26 5. A loan made pursuant to this section shall include
27 provisions establishing an interest rate on the loan that shall
28 be set at a rate that is between the interest rate established
29 pursuant to section 12C.6, subsection 2, paragraph "a", and the
30 interest rate established pursuant to section 74A.6, subsection
31 2.

32 6. Repayments of principal and interest shall be paid to
33 the reserve fund or account from which all or a portion of the
34 funds were advanced for the loan in the proportion that the
35 amount of the advance from the fund or account bears to the

LSB 6186YC (1) 85

-2-

aw/sc

2/8



Iowa General Assembly
Daily Bills, Amendments and Study Bills
March 24, 2014

H.F. _____

1 entire amount of the loan.

2 7. a. The limitation in section 346.24 does not apply to a
3 transfer made pursuant to this section or to a loan authorized
4 pursuant to this section.

5 b. A city shall not become indebted under this section to an
6 amount exceeding six million dollars.

7 8. A loan made pursuant to this section shall not include
8 any transfers or obligations from the reserve fund or account
9 of a city utility or of a combined city utility.

10 9. The powers granted under this section shall not be
11 construed as a limitation of the existing powers of a city.

12 Sec. 3. Section 384.25, Code 2014, is amended to read as
13 follows:

14 **384.25 General obligation bonds or loans for essential**
15 **purposes.**

16 1. A city which proposes to carry out any essential
17 corporate purpose within or without its corporate limits, and
18 to contract indebtedness and issue general obligation bonds or
19 authorize a loan described in section 384.24B, to provide funds
20 to pay all or any part of the cost of a project must do so in
21 accordance with the provisions of this division.

22 2. Before the council may institute proceedings for the
23 issuance of bonds or authorization of a loan for an essential
24 corporate purpose, a notice of the proposed action, including
25 a statement of the amount and purposes of the bonds or loan,
26 and the time and place of the meeting at which the council
27 proposes to take action for the issuance of the bonds or
28 authorization of the loan, must be published as provided in
29 section 362.3. At the meeting, the council shall receive oral
30 or written objections from any resident or property owner
31 of the city. After all objections have been received and
32 considered, the council may, at that meeting or any adjournment
33 thereof, take additional action for the issuance of the bonds
34 or authorization of the loan or abandon the proposal to issue
35 the bonds or authorize the loan. Any resident or property

LSB 6186YC (1) 85

-3-

aw/sc

3/8



Iowa General Assembly
Daily Bills, Amendments and Study Bills
March 24, 2014

H.F. _____

1 owner of the city may appeal the decision of the council to
2 take additional action to the district court of the county in
3 which any part of the city is located, within fifteen days
4 after the additional action is taken, but the additional action
5 of the council is final and conclusive unless the court finds
6 that the council exceeded its authority. The provisions of
7 this subsection with respect to notice, hearing, and appeal,
8 are in lieu of the provisions contained in chapter 73A, or any
9 other law.

10 3. a. Notwithstanding subsection 2, a council may institute
11 proceedings for the issuance of bonds or the authorization of a
12 loan for an essential corporate purpose specified in section
13 384.24, subsection 3, paragraph "w" or "x", in an amount equal
14 to or greater than three million dollars by causing a notice
15 of the proposal to issue the bonds or authorize the loan,
16 including a statement of the amount and purpose of the bonds
17 or loan, together with the maximum rate of interest which the
18 bonds are to bear or which will be charged to the principal
19 balance of the loan, and the right to petition for an election,
20 to be published at least once in a newspaper of general
21 circulation within the city at least ten days prior to the
22 meeting at which it is proposed to take action for the issuance
23 of the bonds or the authorization of the loan.

24 b. If at any time before the date fixed for taking action
25 for the issuance of the bonds or the authorization of the
26 loan, a petition is filed with the clerk of the city signed
27 by eligible electors of the city equal in number to twenty
28 percent of the persons in the city who voted for the office of
29 president of the United States at the last preceding general
30 election that had such office on the ballot, asking that the
31 question of issuing the bonds or authorizing the loan be
32 submitted to the registered voters of the city, the council
33 shall either by resolution declare the proposal to issue the
34 bonds or authorize the loan to have been abandoned or shall
35 direct the county commissioner of elections to call a special

LSB 6186YC (1) 85

-4-

aw/sc

4/8



Iowa General Assembly
Daily Bills, Amendments and Study Bills
March 24, 2014

H.F. _____

1 election upon the question of issuing the bonds or authorizing
2 the loan. Notice of the election and its conduct shall be in
3 the manner provided in section 384.26.

4 c. If a petition is not filed, or if a petition is filed and
5 the proposition of issuing the bonds or authorizing the loan
6 is approved at an election, the council may proceed with the
7 authorization and issuance of the bonds or authorization of the
8 loan.

9 Sec. 4. Section 384.26, subsections 1, 2, 4, and 5, Code
10 2014, are amended to read as follows:

11 1. A city which proposes to carry out any general corporate
12 purpose within or without its corporate limits, and to contract
13 indebtedness and issue general obligation bonds or authorize a
14 loan described in section 384.24B, to provide funds to pay all
15 or any part of the costs of a project, must do so in accordance
16 with the provisions of this division.

17 2. Before the council may institute proceedings for the
18 issuance of bonds or authorization of a loan for a general
19 corporate purpose, it shall call a special city election to
20 vote upon the question of issuing the bonds or authorizing the
21 loan. At the election the proposition must be submitted in one
22 of the following form forms, as applicable:

23 Shall the (insert the name of the city) issue
24 its bonds in an amount not exceeding the amount of \$.... for
25 the purpose of?

26 Shall the (insert the name of the city) authorize
27 a loan from its surplus funds in an amount not exceeding the
28 amount of \$.... for the purpose of?

29 4. The proposition of issuing general corporate purpose
30 bonds or authorizing a loan for a general corporate purpose
31 is not carried or adopted unless the vote in favor of the
32 proposition is equal to at least sixty percent of the total
33 vote cast for and against the proposition at the election.
34 If the proposition of issuing the general corporate purpose
35 bonds or authorizing a loan for a general corporate purpose is



Iowa General Assembly
Daily Bills, Amendments and Study Bills
March 24, 2014

H.F. _____

1 approved by the voters, the city may proceed with the issuance
2 of the bonds or authorization of the loan.

3 5. a. Notwithstanding the provisions of subsection 2,
4 a council may, in lieu of calling an election, institute
5 proceedings for the issuance of bonds or authorization of a
6 loan for a general corporate purpose by causing a notice of the
7 proposal to issue the bonds or authorize the loan, including
8 a statement of the amount and purpose of the bonds or loan,
9 together with the maximum rate of interest which the bonds are
10 to bear or which the loan is to bear, and the right to petition
11 for an election, to be published at least once in a newspaper
12 of general circulation within the city at least ten days prior
13 to the meeting at which it is proposed to take action for the
14 issuance of the bonds or authorization of the loan subject to
15 the following limitations:

16 (1) In cities having a population of five thousand or less,
17 in an amount of not more than four hundred thousand dollars.

18 (2) In cities having a population of more than five thousand
19 and not more than seventy-five thousand, in an amount of not
20 more than seven hundred thousand dollars.

21 (3) In cities having a population in excess of seventy-five
22 thousand, in an amount of not more than one million dollars.

23 b. If at any time before the date fixed for taking action
24 for the issuance of the bonds or the authorization of the
25 loan, a petition is filed with the clerk of the city in the
26 manner provided by section 362.4, asking that the question
27 of issuing the bonds or authorizing the loan be submitted to
28 the registered voters of the city, the council shall either by
29 resolution declare the proposal to issue the bonds or authorize
30 the loan to have been abandoned or shall direct the county
31 commissioner of elections to call a special election upon the
32 question of issuing the bonds or authorizing the loan. Notice
33 of the election and its conduct shall be in the manner provided
34 in the preceding subsections of this section.

35 c. If no petition is filed, or if a petition is filed and

LSB 6186YC (1) 85

-6-

aw/sc

6/8



Iowa General Assembly
Daily Bills, Amendments and Study Bills
March 24, 2014

H.F. _____

1 the proposition of issuing the bonds or authorizing the loan
2 is approved at an election, the council may proceed with the
3 authorization and issuance of the bonds or the authorization
4 of the loan.

5 Sec. 5. Section 384.33, Code 2014, is amended to read as
6 follows:

7 **384.33 Action.**

8 No action may be brought which questions the legality of
9 general obligation bonds, notes, or loans under this chapter or
10 the power of the city to issue the bonds, notes or loans or the
11 effectiveness of any proceedings relating to the authorization
12 and issuance of the bonds, notes, or loans from and after sixty
13 days from the time the bonds, notes or loans are ordered issued
14 by the city.

15 EXPLANATION

16 The inclusion of this explanation does not constitute agreement with
17 the explanation's substance by the members of the general assembly.

18 This bill relates to state and local government powers and
19 limitations.

20 The bill enacts new Code section 384.24B to allow a city to
21 borrow surplus money from its reserve accounts or funds for
22 any general corporate purpose or essential corporate purpose.
23 The bill requires that a city certify taxes to be levied for
24 deposit in the debt service fund in the amount necessary to pay
25 principal and interest on loans authorized under the bill. The
26 bill defines "loan", "surplus", and "reserve account or fund".

27 The bill requires that such loans not cause the balances
28 of such reserve accounts or funds to fall below any minimum
29 balance prescribed by law and requires that a city shall not
30 become indebted under such loans to an amount in excess of \$6
31 million. The bill requires that loans from reserve funds be
32 reported to the state treasurer in the same manner as required
33 for bonds issued by a city. The bill requires that such loans
34 not result in a user fee, rate, or property tax increase as
35 a result of unavailability of surplus funds. The terms of

LSB 6186YC (1) 85

-7-

aw/sc

7/8



Iowa General Assembly
Daily Bills, Amendments and Study Bills
March 24, 2014

H.F. _____

1 each loan shall require repayment of the loan within 90 days
2 to the extent necessary to prevent a user fee rate or property
3 tax increase. Such a loan shall be payable from the city debt
4 service fund and shall constitute an indebtedness within the
5 meaning of any statutory debt limitation.

6 The full or partial repayment of a loan entered into under
7 the bill shall constitute an essential corporate purpose
8 pursuant to Code section 384.24, subsection 3, paragraph "f".

9 The bill provides that upon approval of such a loan that the
10 loan shall be accounted for as a separate account pursuant
11 to current Code section 384.20. The bill further provides
12 that interest rates on such a loan be set between the interest
13 rate established for the deposit of public funds, established
14 in current Code section 12C.6 and the maximum interest rate
15 established for public obligations and assessments under
16 current Code section 74A.6, subsection 2. The bill provides
17 that such a loan not include any transfers or obligations from
18 a reserve fund or account of a city utility or combined city
19 utility.

20 The bill requires that a city council follow substantially
21 the same procedures for the issuance of general obligation
22 bonds for essential corporate purposes, pursuant to Code
23 section 384.25, or for general corporate purposes, pursuant to
24 Code section 384.26 when making a loan from reserve funds.

25 The bill further provides that no action may be brought
26 against a city regarding the legality, power to issue, or power
27 to authorize notes or loans under Code chapter 384 at any time
28 after 60 days following issuance.



Iowa General Assembly
Daily Bills, Amendments and Study Bills
March 24, 2014

Senate File 2342 - Introduced

SENATE FILE 2342
BY COMMITTEE ON APPROPRIATIONS

(SUCCESSOR TO SSB 3210)

A BILL FOR

1 An Act relating to and making appropriations to certain
2 state departments, agencies, funds, and certain other
3 entities, providing for regulatory authority, and other
4 properly related matters, and including effective date and
5 retroactive applicability provisions.
6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5002SV (3) 85
ec/tm



Iowa General Assembly
Daily Bills, Amendments and Study Bills
March 24, 2014

S.F. 2342

1 DIVISION I

2 FY 2013-2014

3 Section 1. 2011 Iowa Acts, chapter 127, section 61,
4 subsection 1, paragraph e, as amended by 2012 Iowa Acts,
5 chapter 1131, section 2, is amended by adding the following new
6 unnumbered paragraphs:

7 NEW UNNUMBERED PARAGRAPH. Of the moneys appropriated in
8 this lettered paragraph "e", \$50,000 is transferred to the Iowa
9 public information board for purposes of furniture, fixtures,
10 office supplies, and equipment costs.

11 NEW UNNUMBERED PARAGRAPH. Of the moneys appropriated in
12 this lettered paragraph "e", \$141,003 shall be used for the
13 payment of utility costs.

14 NEW UNNUMBERED PARAGRAPH. Notwithstanding section 8.33,
15 or any other provision of law, moneys appropriated in this
16 lettered paragraph that remain unencumbered or unobligated at
17 the close of the fiscal year that begins July 1, 2012, shall
18 not revert but shall remain available for expenditure until the
19 close of the fiscal year that begins July 1, 2014, as provided
20 in this lettered paragraph.

21 Sec. 2. EFFECTIVE UPON ENACTMENT. This division of this
22 Act, being deemed of immediate importance, takes effect upon
23 enactment.

24 Sec. 3. RETROACTIVE APPLICABILITY. This division of this
25 Act applies retroactively to July 1, 2012.

26 DIVISION II

27 FY 2014-2015

28 Sec. 4. 2013 Iowa Acts, chapter 135, section 30, is amended
29 to read as follows:

30 SEC. 30. DEPARTMENT OF ADMINISTRATIVE SERVICES.

31 1. There is appropriated from the general fund of the state
32 to the department of administrative services for the fiscal
33 year beginning July 1, 2014, and ending June 30, 2015, the
34 following amounts, or so much thereof as is necessary, to be
35 used for the purposes designated, and for not more than the

LSB 5002SV (3) 85

-1-

ec/tm

1/19



Iowa General Assembly
Daily Bills, Amendments and Study Bills
March 24, 2014

S.F. 2342

1 following full-time equivalent positions:

2 a. For salaries, support, maintenance, and miscellaneous
3 purposes:

4	\$	<u>2,033,962</u>
5		<u>4,067,924</u>
6	FTEs	<u>73.49</u>
7		<u>65.79</u>

8 b. For the payment of utility costs:

9	\$	<u>1,329,455</u>
10		<u>2,568,909</u>
11	FTEs	<u>1.00</u>

12 Notwithstanding section 8.33, any excess moneys appropriated
13 for utility costs in this lettered paragraph shall not revert
14 to the general fund of the state at the end of the fiscal year
15 but shall remain available for expenditure for the purposes of
16 this lettered paragraph during the succeeding fiscal year.

17 c. For Terrace Hill operations:

18	\$	<u>202,957</u>
19		<u>405,914</u>
20	FTEs	<u>5.00</u>

21 2. Members of the general assembly serving as members of
22 the deferred compensation advisory board shall be entitled
23 to receive per diem and necessary travel and actual expenses
24 pursuant to section 2.10, subsection 5, while carrying out
25 their official duties as members of the board.

26 3. Any moneys and premiums collected by the department
27 for workers' compensation shall be segregated into a separate
28 workers' compensation fund in the state treasury to be used
29 for payment of state employees' workers' compensation claims
30 and administrative costs. Notwithstanding section 8.33,
31 unencumbered or unobligated moneys remaining in this workers'
32 compensation fund at the end of the fiscal year shall not
33 revert but shall be available for expenditure for purposes of
34 the fund for subsequent fiscal years.

35 Sec. 5. 2013 Iowa Acts, chapter 135, section 34, is amended

LSB 5002SV (3) 85

-2-

ec/tm

2/19



Iowa General Assembly
Daily Bills, Amendments and Study Bills
March 24, 2014

S.F. 2342

1 to read as follows:

2 SEC. 34. AUDITOR OF STATE.

3 1. There is appropriated from the general fund of the state
4 to the office of the auditor of state for the fiscal year
5 beginning July 1, 2014, and ending June 30, 2015, the following
6 amount, or so much thereof as is necessary, to be used for
7 the purposes designated, and for not more than the following
8 full-time equivalent positions:

9 a. For salaries, support, maintenance, and miscellaneous
10 purposes:
11 \$ 457,253
12 944,506
13 FTEs 103.00

14 b. Of the moneys appropriated in this subsection, the
15 auditor shall expend such amount as is necessary for purposes
16 of conducting an audit concerning nondisclosed settlement
17 agreements made by the state with terminated state employees
18 since January 2011. The audit shall include but not be limited
19 to an examination of the nature of the positions subject
20 to termination with nondisclosure provisions, the payments
21 provided and the funding source of the payments, and the
22 identity and authority of the person or persons agreeing to the
23 settlement agreement on behalf of the state.

24 2. The auditor of state may retain additional full-time
25 equivalent positions as is reasonable and necessary to
26 perform governmental subdivision audits which are reimbursable
27 pursuant to section 11.20 or 11.21, to perform audits which are
28 requested by and reimbursable from the federal government, and
29 to perform work requested by and reimbursable from departments
30 or agencies pursuant to section 11.5A or 11.5B. The auditor
31 of state shall notify the department of management, the
32 legislative fiscal committee, and the legislative services
33 agency of the additional full-time equivalent positions
34 retained.

35 3. The auditor of state shall allocate moneys from the

LSB 5002SV (3) 85

-3-

ec/tm

3/19



Iowa General Assembly
Daily Bills, Amendments and Study Bills
March 24, 2014

S.F. 2342

1 appropriation in this section solely for audit work related to
2 the comprehensive annual financial report, federally required
3 audits, and investigations of embezzlement, theft, or other
4 significant financial irregularities until the audit of the
5 comprehensive annual financial report is complete.

6 Sec. 6. 2013 Iowa Acts, chapter 135, section 35, is amended
7 to read as follows:

8 SEC. 35. IOWA ETHICS AND CAMPAIGN DISCLOSURE BOARD. There
9 is appropriated from the general fund of the state to the
10 Iowa ethics and campaign disclosure board for the fiscal year
11 beginning July 1, 2014, and ending June 30, 2015, the following
12 amount, or so much thereof as is necessary, for the purposes
13 designated:

14 For salaries, support, maintenance, and miscellaneous
15 purposes, and for not more than the following full-time
16 equivalent positions:

17	\$	245,168
18		<u>550,335</u>
19	FTEs	5.00
20		<u>6.00</u>

21 Sec. 7. 2013 Iowa Acts, chapter 135, is amended by adding
22 the following new section:

23 NEW SECTION. SEC. 35A. INTERNAL SERVICE FUNDS — OFFICE
24 OF THE CHIEF INFORMATION OFFICER. There is appropriated to
25 the office of the chief information officer for the fiscal
26 year beginning July 1, 2014, and ending June 30, 2015, from
27 the revolving funds designated in chapter 8B and from internal
28 service funds created by the office such amounts as the office
29 deems necessary for the operation of the office consistent with
30 the requirements of chapter 8B.

31 Sec. 8. 2013 Iowa Acts, chapter 135, section 36, is amended
32 to read as follows:

33 SEC. 36. DEPARTMENT OF COMMERCE.

34 1. There is appropriated from the general fund of the
35 state to the department of commerce for the fiscal year

LSB 5002SV (3) 85

-4-

ec/tm

4/19

**Iowa General Assembly
Daily Bills, Amendments and Study Bills
March 24, 2014**

S.F. 2342

1 beginning July 1, 2014, and ending June 30, 2015, the following
2 amounts, or so much thereof as is necessary, for the purposes
3 designated:

4 a. ALCOHOLIC BEVERAGES DIVISION

5 For salaries, support, maintenance, and miscellaneous
6 purposes, and for not more than the following full-time
7 equivalent positions:

8	\$	610,196
9		<u>1,220,391</u>
10	FTEs	18.50

11 b. PROFESSIONAL LICENSING AND REGULATION BUREAU

12 For salaries, support, maintenance, and miscellaneous
13 purposes, and for not more than the following full-time
14 equivalent positions:

15	.....	\$	300,769
16			<u>601,537</u>
17	.....	FTEs	12.50

18 2. There is appropriated from the department of commerce
19 revolving fund created in section 546.12 to the department of
20 commerce for the fiscal year beginning July 1, 2014, and ending
21 June 30, 2015, the following amounts, or so much thereof as is
22 necessary, for the purposes designated:

23 a. BANKING DIVISION

24 For salaries, support, maintenance, and miscellaneous
25 purposes, and for not more than the following full-time
26 equivalent positions:

27	.....	\$	4,583,618
28			<u>9,317,235</u>
29	.....	FTEs	74.50

30 b. CREDIT UNION DIVISION

31 For salaries, support, maintenance, and miscellaneous
32 purposes, and for not more than the following full-time
33 equivalent positions:

34	\$ 897,128
35	1,794,256

Iowa General Assembly
Daily Bills, Amendments and Study Bills
March 24, 2014

S.F. 2342

1	FTEs	15.00
---	-------	------	-------

2 c. INSURANCE DIVISION

3 (1) For salaries, support, maintenance, and miscellaneous
4 purposes, and for not more than the following full-time
5 equivalent positions:

6 \$ ~~2,516,495~~

7	5,099,989
---	-----------

8	FTEs	100.15
---	-------	------	--------

9 (2) The insurance division may reallocate authorized
10 full-time equivalent positions as necessary to respond to
11 accreditation recommendations or requirements.

12 (3) The insurance division expenditures for examination
13 purposes may exceed the projected receipts, refunds, and
14 reimbursements, estimated pursuant to section 505.7, subsection
15 7, including the expenditures for retention of additional
16 personnel, if the expenditures are fully reimbursable and the
17 division first does both of the following:

18 (a) Notifies the department of management, the legislative
19 services agency, and the legislative fiscal committee of the
20 need for the expenditures.

21 (b) Files with each of the entities named in subparagraph
22 division (a) the legislative and regulatory justification for
23 the expenditures, along with an estimate of the expenditures.

24 d. UTILITIES DIVISION

25 (1) For salaries, support, maintenance, and miscellaneous
26 purposes, and for not more than the following full-time
27 equivalent positions:

28 \$ 4,089,703

29 8,329,405

30	FTEs	79.00
----	-------	------	-------

31 (2) The utilities division may expend additional moneys,
32 including moneys for additional personnel, if those additional
33 expenditures are actual expenses which exceed the moneys
34 budgeted for utility regulation and the expenditures are fully
35 reimbursable. Before the division expends or encumbers an



Iowa General Assembly
Daily Bills, Amendments and Study Bills
March 24, 2014

S.F. 2342

1 amount in excess of the moneys budgeted for regulation, the
2 division shall first do both of the following:

3 (a) Notify the department of management, the legislative
4 services agency, and the legislative fiscal committee of the
5 need for the expenditures.

6 (b) File with each of the entities named in subparagraph
7 division (a) the legislative and regulatory justification for
8 the expenditures, along with an estimate of the expenditures.

9 (3) Of the moneys appropriated in this paragraph, the
10 utilities division may expend up to \$10,000 for purposes
11 of entering into an agreement with the department of
12 administrative services to contract with a professional
13 engineering firm to conduct a cost/benefit engineering review
14 of the energy efficiency of the solar panels utilized by the
15 utilities board and consumer advocate building.

16 3. CHARGES. Each division and the office of consumer
17 advocate shall include in its charges assessed or revenues
18 generated an amount sufficient to cover the amount stated
19 in its appropriation and any state-assessed indirect costs
20 determined by the department of administrative services.

21 Sec. 9. 2013 Iowa Acts, chapter 135, section 37, is amended
22 to read as follows:

23 SEC. 37. DEPARTMENT OF COMMERCE — PROFESSIONAL LICENSING
24 AND REGULATION BUREAU. There is appropriated from the housing
25 trust fund created pursuant to section 16.181, to the bureau of
26 professional licensing and regulation of the banking division
27 of the department of commerce for the fiscal year beginning
28 July 1, 2014, and ending June 30, 2015, the following amount,
29 or so much thereof as is necessary, to be used for the purposes
30 designated:

31 For salaries, support, maintenance, and miscellaneous
32 purposes:

33 \$ ~~31,159~~
34 62,317

35 Sec. 10. 2013 Iowa Acts, chapter 135, section 39, is amended

LSB 5002SV (3) 85
ec/tm

7/19



Iowa General Assembly
Daily Bills, Amendments and Study Bills
March 24, 2014

S.F. 2342

1 to read as follows:

2 SEC. 39. GOVERNOR AND LIEUTENANT GOVERNOR. There is
3 appropriated from the general fund of the state to the offices
4 of the governor and the lieutenant governor for the fiscal year
5 beginning July 1, 2014, and ending June 30, 2015, the following
6 amounts, or so much thereof as is necessary, to be used for the
7 purposes designated:

8 1. GENERAL OFFICE

9 For salaries, support, maintenance, and miscellaneous
10 purposes, and for not more than the following full-time
11 equivalent positions:

12	\$	<u>1,098,228</u>
13		<u>2,196,455</u>
14	FTEs	<u>20.00</u>
15		<u>23.00</u>

16 2. TERRACE HILL QUARTERS

17 For salaries, support, maintenance, and miscellaneous
18 purposes for the governor's quarters at Terrace Hill, and for
19 not more than the following full-time equivalent positions:

20	\$	<u>46,556</u>
21		<u>93,111</u>
22	FTEs	<u>2.00</u>

23 Sec. 11. 2013 Iowa Acts, chapter 135, section 40, is amended
24 to read as follows:

25 SEC. 40. GOVERNOR'S OFFICE OF DRUG CONTROL POLICY. There
26 is appropriated from the general fund of the state to the
27 governor's office of drug control policy for the fiscal year
28 beginning July 1, 2014, and ending June 30, 2015, the following
29 amount, or so much thereof as is necessary, to be used for the
30 purposes designated:

31 For salaries, support, maintenance, and miscellaneous
32 purposes, including statewide coordination of the drug abuse
33 resistance education (D.A.R.E.) programs or similar programs,
34 and for not more than the following full-time equivalent
35 positions:

LSB 5002SV (3) 85
ec/tm



Iowa General Assembly
Daily Bills, Amendments and Study Bills
March 24, 2014

S.F. 2342

1 \$ ~~120,567~~
2 241,134
3 FTEs 4.00
4 Sec. 12. 2013 Iowa Acts, chapter 135, section 41, is amended
5 to read as follows:
6 SEC. 41. DEPARTMENT OF HUMAN RIGHTS. There is appropriated
7 from the general fund of the state to the department of human
8 rights for the fiscal year beginning July 1, 2014, and ending
9 June 30, 2015, the following amounts, or so much thereof as is
10 necessary, to be used for the purposes designated:
11 1. CENTRAL ADMINISTRATION DIVISION
12 For salaries, support, maintenance, and miscellaneous
13 purposes, and for not more than the following full-time
14 equivalent positions:
15 \$ ~~112,092~~
16 224,184
17 FTEs 5.65
18 2. COMMUNITY ADVOCACY AND SERVICES DIVISION
19 For salaries, support, maintenance, and miscellaneous
20 purposes, and for not more than the following full-time
21 equivalent positions:
22 \$ ~~514,039~~
23 1,028,077
24 FTEs ~~9.62~~
25 9.45
26 Sec. 13. 2013 Iowa Acts, chapter 135, section 42, is amended
27 to read as follows:
28 SEC. 42. DEPARTMENT OF INSPECTIONS AND APPEALS. There
29 is appropriated from the general fund of the state to the
30 department of inspections and appeals for the fiscal year
31 beginning July 1, 2014, and ending June 30, 2015, the following
32 amounts, or so much thereof as is necessary, for the purposes
33 designated:
34 1. ADMINISTRATION DIVISION
35 For salaries, support, maintenance, and miscellaneous

LSB 5002SV (3) 85
ec/tm

9/19



Iowa General Assembly
Daily Bills, Amendments and Study Bills
March 24, 2014

S.F. 2342

1 purposes, and for not more than the following full-time
2 equivalent positions:
3 \$ ~~272,621~~
4 545,242
5 FTEs 13.65
6 2. ADMINISTRATIVE HEARINGS DIVISION
7 For salaries, support, maintenance, and miscellaneous
8 purposes, and for not more than the following full-time
9 equivalent positions:
10 \$ ~~339,471~~
11 678,942
12 FTEs 23.00
13 3. INVESTIGATIONS DIVISION
14 a. For salaries, support, maintenance, and miscellaneous
15 purposes, and for not more than the following full-time
16 equivalent positions:
17 \$ ~~1,286,545~~
18 2,573,089
19 FTEs ~~61.50~~
20 55.00
21 b. The department, in coordination with the investigations
22 division, shall submit a report to the general assembly by
23 December 1, 2014, concerning the division's activities relative
24 to fraud in public assistance programs for the fiscal year
25 beginning July 1, 2013, and ending June 30, 2014. The report
26 shall include but is not limited to a summary of the number
27 of cases investigated, case outcomes, overpayment dollars
28 identified, amount of cost avoidance, and actual dollars
29 recovered.
30 4. HEALTH FACILITIES DIVISION
31 a. For salaries, support, maintenance, and miscellaneous
32 purposes, and for not more than the following full-time
33 equivalent positions:
34 \$ ~~2,546,017~~
35 5,092,033

LSB 5002SV (3) 85
ec/tm

10/19



Iowa General Assembly
Daily Bills, Amendments and Study Bills
March 24, 2014

S.F. 2342

1 FTEs ~~113.00~~
2 111.50
3 b. The department shall, in coordination with the health
4 facilities division, make the following information available
5 to the public as part of the department's development efforts
6 to revise the department's internet website:
7 (1) The number of inspections conducted by the division
8 annually by type of service provider and type of inspection.
9 (2) The total annual operations budget for the division,
10 including general fund appropriations and federal contract
11 dollars received by type of service provider inspected.
12 (3) The total number of full-time equivalent positions in
13 the division, to include the number of full-time equivalent
14 positions serving in a supervisory capacity, and serving as
15 surveyors, inspectors, or monitors in the field by type of
16 service provider inspected.
17 (4) Identification of state and federal survey trends,
18 cited regulations, the scope and severity of deficiencies
19 identified, and federal and state fines assessed and collected
20 concerning nursing and assisted living facilities and programs.
21 c. It is the intent of the general assembly that the
22 department and division continuously solicit input from
23 facilities regulated by the division to assess and improve
24 the division's level of collaboration and to identify new
25 opportunities for cooperation.
26 5. EMPLOYMENT APPEAL BOARD
27 a. For salaries, support, maintenance, and miscellaneous
28 purposes, and for not more than the following full-time
29 equivalent positions:
30 \$ ~~21,108~~
31 42,215
32 FTEs 11.00
33 b. The employment appeal board shall be reimbursed by
34 the labor services division of the department of workforce
35 development for all costs associated with hearings conducted

LSB 5002SV (3) 85
ec/tm

11/19



Iowa General Assembly
Daily Bills, Amendments and Study Bills
March 24, 2014

S.F. 2342

1 under chapter 91C, related to contractor registration. The
2 board may expend, in addition to the amount appropriated under
3 this subsection, additional amounts as are directly billable
4 to the labor services division under this subsection and to
5 retain the additional full-time equivalent positions as needed
6 to conduct hearings required pursuant to chapter 91C.

7 6. CHILD ADVOCACY BOARD

8 a. For foster care review and the court appointed special
9 advocate program, including salaries, support, maintenance, and
10 miscellaneous purposes, and for not more than the following
11 full-time equivalent positions:

12	\$	1,340,145
13		<u>2,680,290</u>
14	FTEs	32.25

15 b. The department of human services, in coordination with
16 the child advocacy board and the department of inspections and
17 appeals, shall submit an application for funding available
18 pursuant to Tit. IV-E of the federal Social Security Act for
19 claims for child advocacy board administrative review costs.

20 c. The court appointed special advocate program shall
21 investigate and develop opportunities for expanding
22 fund-raising for the program.

23 d. Administrative costs charged by the department of
24 inspections and appeals for items funded under this subsection
25 shall not exceed 4 percent of the amount appropriated in this
26 subsection.

27 7. FOOD AND CONSUMER SAFETY

28 For salaries, support, maintenance, and miscellaneous
29 purposes, and for not more than the following full-time
30 equivalent positions:

31	\$	639,666
32		<u>1,279,331</u>
33	FTEs	23.25
34		<u>23.65</u>

35 Sec. 14. 2013 Iowa Acts, chapter 135, section 44, is amended

LSB 5002SV (3) 85

-12-

ec/tm

12/19



Iowa General Assembly
Daily Bills, Amendments and Study Bills
March 24, 2014

S.F. 2342

1 to read as follows:

2 SEC. 44. RACING AND GAMING COMMISSION.

3 1. RACETRACK REGULATION

4 There is appropriated from the gaming regulatory revolving
5 fund established in section 99F.20 to the racing and gaming
6 commission of the department of inspections and appeals for the
7 fiscal year beginning July 1, 2014, and ending June 30, 2015,
8 the following amount, or so much thereof as is necessary, to be
9 used for the purposes designated:

10 For salaries, support, maintenance, and miscellaneous
11 purposes for the regulation of pari-mutuel racetracks, and for
12 not more than the following full-time equivalent positions:

13 \$ ~~1,534,246~~

14 3,068,492

15 FTEs 32.03

16 2. EXCURSION BOAT AND GAMBLING STRUCTURE REGULATION

17 a. There is appropriated from the gaming regulatory
18 revolving fund established in section 99F.20 to the racing and
19 gaming commission of the department of inspections and appeals
20 for the fiscal year beginning July 1, 2014, and ending June 30,
21 2015, the following amount, or so much thereof as is necessary,
22 to be used for the purposes designated:

23 For salaries, support, maintenance, and miscellaneous
24 purposes for administration and enforcement of the excursion
25 boat gambling and gambling structure laws, and for not more
26 than the following full-time equivalent positions:

27 \$ ~~1,522,860~~

28 3,045,719

29 FTEs 40.72

30 b. For each additional license to conduct gambling games on
31 an excursion gambling boat, gambling structure, or racetrack
32 enclosure issued during the period beginning January 1, 2014,
33 and ending June 30, 2015, there is appropriated from the gaming
34 regulatory revolving fund established in section 99F.20 to the
35 racing and gaming commission of the department of inspections

LSB 5002SV (3) 85

-13-

ec/tm

13/19



Iowa General Assembly
Daily Bills, Amendments and Study Bills
March 24, 2014

S.F. 2342

1 and appeals for the fiscal year beginning July 1, 2014, and
2 ending June 30, 2015, an additional amount of not more than
3 \$191,000 to be used for not more than 2.00 full-time equivalent
4 positions.

5 Sec. 15. 2013 Iowa Acts, chapter 135, section 45, is amended
6 to read as follows:

7 SEC. 45. ROAD USE TAX FUND APPROPRIATION — DEPARTMENT OF
8 INSPECTIONS AND APPEALS. There is appropriated from the road
9 use tax fund created in section 312.1 to the administrative
10 hearings division of the department of inspections and appeals
11 for the fiscal year beginning July 1, 2014, and ending June 30,
12 2015, the following amount, or so much thereof as is necessary,
13 for the purposes designated:

14 For salaries, support, maintenance, and miscellaneous
15 purposes:

16 \$ ~~811,949~~
17 1,623,897

18 Sec. 16. 2013 Iowa Acts, chapter 135, section 46, is amended
19 to read as follows:

20 SEC. 46. DEPARTMENT OF MANAGEMENT.

21 1. There is appropriated from the general fund of the state
22 to the department of management for the fiscal year beginning
23 July 1, 2014, and ending June 30, 2015, the following amounts,
24 or so much thereof as is necessary, to be used for the purposes
25 designated:

26 For salaries, support, maintenance, and miscellaneous
27 purposes, and for not more than the following full-time
28 equivalent positions:

29 \$ ~~1,275,110~~
30 2,550,220
31 FTEs ~~21.00~~
32 20.58

33 2. Of the moneys appropriated in this section, the
34 department shall use a portion for enterprise resource
35 planning, providing for a salary model administrator,

LSB 5002SV (3) 85
ec/tm

14/19



Iowa General Assembly
Daily Bills, Amendments and Study Bills
March 24, 2014

S.F. 2342

1 conducting performance audits, and for the department's LEAN
2 process.

3 Sec. 17. 2013 Iowa Acts, chapter 135, section 47, is amended
4 to read as follows:

5 SEC. 47. ROAD USE TAX FUND APPROPRIATION — DEPARTMENT OF
6 MANAGEMENT. There is appropriated from the road use tax fund
7 created in section 312.1 to the department of management for
8 the fiscal year beginning July 1, 2014, and ending June 30,
9 2015, the following amount, or so much thereof as is necessary,
10 to be used for the purposes designated:

11 For salaries, support, maintenance, and miscellaneous
12 purposes:

13	\$	28,000
14		<u>56,000</u>

15 Sec. 18. 2013 Iowa Acts, chapter 135, section 48, is amended
16 to read as follows:

17 SEC. 48. IOWA PUBLIC INFORMATION BOARD. There is
18 appropriated from the general fund of the state to the Iowa
19 public information board for the fiscal year beginning July
20 1, 2014, and ending June 30, 2015, the following amounts, or
21 so much thereof as is necessary, to be used for the purposes
22 designated:

23 For salaries, support, maintenance, and miscellaneous
24 purposes and for not more than the following full-time
25 equivalent positions:

26	\$	137,500
27		<u>350,000</u>
28	FTEs	3.00

29 Sec. 19. 2013 Iowa Acts, chapter 135, section 49, is amended
30 to read as follows:

31 SEC. 49. DEPARTMENT OF REVENUE.

32 1. There is appropriated from the general fund of the state
33 to the department of revenue for the fiscal year beginning July
34 1, 2014, and ending June 30, 2015, the following amounts, or
35 so much thereof as is necessary, to be used for the purposes

LSB 5002SV (3) 85

-15-

ec/tm

15/19



Iowa General Assembly
Daily Bills, Amendments and Study Bills
March 24, 2014

S.F. 2342

1 designated:

2 For salaries, support, maintenance, and miscellaneous
3 purposes, and for not more than the following full-time
4 equivalent positions:

5	\$	8,940,420
6		<u>17,880,839</u>
7	FTEs	245.24
8		<u>228.50</u>

9 2. Of the funds appropriated pursuant to this section,
10 \$400,000 shall be used to pay the direct costs of compliance
11 related to the collection and distribution of local sales and
12 services taxes imposed pursuant to chapters 423B and 423E.

13 3. The director of revenue shall prepare and issue a state
14 appraisal manual and the revisions to the state appraisal
15 manual as provided in section 421.17, subsection 17, without
16 cost to a city or county.

17 Sec. 20. 2013 Iowa Acts, chapter 135, section 50, is amended
18 to read as follows:

19 SEC. 50. MOTOR VEHICLE FUEL TAX APPROPRIATION. There is
20 appropriated from the motor fuel tax fund created by section
21 452A.77 to the department of revenue for the fiscal year
22 beginning July 1, 2014, and ending June 30, 2015, the following
23 amount, or so much thereof as is necessary, to be used for the
24 purposes designated:

25 For salaries, support, maintenance, miscellaneous purposes,
26 and for administration and enforcement of the provisions of
27 chapter 452A and the motor vehicle use tax program:

28	\$	652,888
29		<u>1,305,775</u>

30 Sec. 21. 2013 Iowa Acts, chapter 135, section 51, is amended
31 to read as follows:

32 SEC. 51. SECRETARY OF STATE.

33 1. There is appropriated from the general fund of the state
34 to the office of the secretary of state for the fiscal year
35 beginning July 1, 2014, and ending June 30, 2015, the following

LSB 5002SV (3) 85

-16-

ec/tm

16/19



Iowa General Assembly
Daily Bills, Amendments and Study Bills
March 24, 2014

S.F. 2342

1 amounts, or so much thereof as is necessary, to be used for the
2 purposes designated:

3 For salaries, support, maintenance, and miscellaneous
4 purposes, and for not more than the following full-time
5 equivalent positions:

6	\$	1,448,350
7		<u>2,896,699</u>
8	FTEs	29.00

9 2. The state department or state agency which provides
10 data processing services to support voter registration file
11 maintenance and storage shall provide those services without
12 charge.

13 Sec. 22. 2013 Iowa Acts, chapter 135, section 53, is amended
14 to read as follows:

15 SEC. 53. TREASURER OF STATE.

16 1. There is appropriated from the general fund of the
17 state to the office of treasurer of state for the fiscal year
18 beginning July 1, 2014, and ending June 30, 2015, the following
19 amount, or so much thereof as is necessary, to be used for the
20 purposes designated:

21 For salaries, support, maintenance, and miscellaneous
22 purposes, and for not more than the following full-time
23 equivalent positions:

24	\$	542,196
25		<u>1,084,392</u>
26	FTEs	28.80

27 2. The office of treasurer of state shall supply clerical
28 and secretarial support for the executive council.

29 Sec. 23. 2013 Iowa Acts, chapter 135, section 54, is amended
30 to read as follows:

31 SEC. 54. ROAD USE TAX FUND APPROPRIATION — OFFICE OF
32 TREASURER OF STATE. There is appropriated from the road use
33 tax fund created in section 312.1 to the office of treasurer of
34 state for the fiscal year beginning July 1, 2014, and ending
35 June 30, 2015, the following amount, or so much thereof as is

LSB 5002SV (3) 85

-17-

ec/tm

17/19



Iowa General Assembly
Daily Bills, Amendments and Study Bills
March 24, 2014

S.F. 2342

1 necessary, to be used for the purposes designated:

2 For enterprise resource management costs related to the
3 distribution of road use tax funds:

4 \$ ~~46,574~~
5 93,148

6 Sec. 24. 2013 Iowa Acts, chapter 135, section 55, is amended
7 to read as follows:

8 SEC. 55. IPERS — GENERAL OFFICE. There is appropriated
9 from the Iowa public employees' retirement system fund to the
10 Iowa public employees' retirement system for the fiscal year
11 beginning July 1, 2014, and ending June 30, 2015, the following
12 amount, or so much thereof as is necessary, to be used for the
13 purposes designated:

14 For salaries, support, maintenance, and other operational
15 purposes to pay the costs of the Iowa public employees'
16 retirement system, and for not more than the following
17 full-time equivalent positions:

18 \$ ~~8,843,484~~
19 15,686,968
20 FTEs ~~90.13~~
21 88.13

22 Sec. 25. DEPARTMENT OF INSPECTIONS AND APPEALS FOOD
23 INSPECTIONS INTERIM STUDY COMMITTEE. The legislative council
24 is requested to establish an interim study committee during
25 the 2014 interim to examine food inspections conducted by the
26 department of inspections and appeals, including examination of
27 fees charged for the inspections. The study committee shall
28 present its conclusions and recommendations in a report to the
29 2015 session of the general assembly.

30 Sec. 26. REPEAL. 2013 Iowa Acts, chapter 135, sections 38,
31 56, and 57, are repealed.

32 EXPLANATION

33 The inclusion of this explanation does not constitute agreement with
34 the explanation's substance by the members of the general assembly.

35 This bill relates to moneys appropriated to various state

LSB 5002SV (3) 85

-18-

ec/tm

18/19



Iowa General Assembly
Daily Bills, Amendments and Study Bills
March 24, 2014

S.F. 2342

1 departments, agencies, and funds for the fiscal year beginning
2 July 1, 2014, and ending June 30, 2015. The bill relates to
3 and makes appropriations to state departments and agencies
4 including the department of administrative services, Iowa
5 telecommunications and technology commission, auditor of
6 state, Iowa ethics and campaign disclosure board, office of
7 the chief information officer, department of commerce, offices
8 of governor and lieutenant governor, the governor's office of
9 drug control policy, department of human rights, department of
10 inspections and appeals, department of management, Iowa public
11 information board, department of revenue, secretary of state,
12 treasurer of state, and Iowa public employees' retirement
13 system.



Iowa General Assembly
Daily Bills, Amendments and Study Bills
March 24, 2014

Senate File 2343 - Introduced

SENATE FILE 2343
BY COMMITTEE ON WAYS AND MEANS

(SUCCESSOR TO SF 2032)

A BILL FOR

1 An Act relating to qualification requirements for the renewable
2 energy tax credit.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TL5B 5620SV (2) 85
rn/sc



Iowa General Assembly
Daily Bills, Amendments and Study Bills
March 24, 2014

S.F. 2343

1 Section 1. Section 476C.1, subsection 6, paragraph d, Code
2 2014, is amended to read as follows:

3 d. Was initially placed into service on or after July 1,
4 2005, and before January 1, ~~2015~~ 2017.

5 Sec. 2. Section 476C.3, subsection 5, Code 2014, is amended
6 to read as follows:

7 5. a. Notwithstanding the definition of "*eligible renewable*
8 *energy facility*" in section 476C.1, subsection 6, unnumbered
9 paragraph 1, of the maximum amount of energy production
10 capacity equivalent of all other facilities found eligible
11 pursuant to subsection 4, paragraph "b", an amount equivalent
12 to ten megawatts of nameplate generating capacity shall be
13 reserved for natural gas, methane and landfill gas, or biogas
14 cogeneration facilities incorporated within or associated
15 with an ethanol plant to assist the ethanol plant in meeting
16 a low carbon fuel standard. Thermal heat generated by the
17 cogeneration facility and used for a commercial purpose may
18 be counted toward satisfying the ten megawatt reservation
19 requirement.

20 b. A facility that has been issued a tax credit certificate
21 for a natural gas cogeneration facility incorporated within
22 or associated with an ethanol plant pursuant to paragraph "a"
23 prior to July 1, 2014, shall not be required to submit a new
24 application if the facility constructs or utilizes methane and
25 landfill gas or biogas cogeneration facilities on or after that
26 date and continues to meet the requirements of an eligible
27 renewable energy facility.

28 Sec. 3. Section 476C.5, Code 2014, is amended to read as
29 follows:

30 **476C.5 Certificate issuance period.**

31 A producer or purchaser of renewable energy may receive
32 renewable energy tax credit certificates for a ten-year period
33 for each eligible renewable energy facility under this chapter.
34 The ten-year period for issuance of the tax credit certificates
35 begins with the date the purchaser of renewable energy first

LSB 5620SV (2) 85

-1-

rn/sc

1/3



Iowa General Assembly
Daily Bills, Amendments and Study Bills
March 24, 2014

S.F. 2343

1 purchases electricity, hydrogen fuel, methane gas or other
2 biogas used to generate electricity, or heat for commercial
3 purposes from the eligible renewable energy facility for
4 which a tax credit is issued under this chapter, or the date
5 the producer of the renewable energy first uses the energy
6 produced by the eligible renewable energy facility for on-site
7 consumption. Renewable energy tax credit certificates shall
8 not be issued for renewable energy purchased or produced for
9 on-site consumption after December 31, ~~2024~~ 2026.

10 EXPLANATION

11 The inclusion of this explanation does not constitute agreement with
12 the explanation's substance by the members of the general assembly.

13 This bill relates to the renewable energy tax credit
14 established in Code chapter 476C.

15 Currently, to be considered a renewable energy facility
16 eligible for qualification for the tax credit, a facility
17 must have been initially placed into service on or after July
18 1, 2005, and before January 1, 2015. The bill extends the
19 latter date by two years, to January 1, 2017, resulting in an
20 additional two years for a facility to be placed into service
21 and qualify for the credit. The bill makes a corresponding
22 change to extend the 10-year duration during which a producer
23 or purchaser of renewable energy may receive renewable energy
24 tax credit certificates from an end date of December 31, ~~2024~~,
25 to December 31, 2026.

26 Additionally, the bill modifies provisions relating to
27 the reservation of a specified amount of renewable energy
28 tax credits being reserved for specified renewable energy
29 facilities. Currently, an amount equivalent to 10 megawatts
30 of nameplate generating capacity is reserved for natural gas
31 cogeneration facilities incorporated within or associated
32 with an ethanol plant to assist the plant in meeting a low
33 carbon fuel standard. The bill expands facilities to which the
34 reserved amount applies to include methane and landfill gas and
35 biogas cogeneration facilities, and provides that thermal heat

LSB 5620SV (2) 85

-2-

rn/sc

2/3



Iowa General Assembly
Daily Bills, Amendments and Study Bills
March 24, 2014

S.F. 2343

1 generated by the cogeneration facility may be counted toward
2 satisfying the 10 megawatt reservation requirement.
3 The bill further provides that a facility which has been
4 issued a tax credit certificate for a natural gas cogeneration
5 facility prior to July 1, 2014, does not need to reapply for
6 a certificate if the facility constructs or utilizes methane
7 and landfill gas or biogas cogeneration facilities on or after
8 July 1, 2014, and continues to meet all other requirements
9 applicable to an eligible renewable energy facility.



Iowa General Assembly
Daily Bills, Amendments and Study Bills
March 24, 2014

Senate File 2344 - Introduced

SENATE FILE 2344
BY COMMITTEE ON WAYS AND MEANS

(SUCCESSOR TO SF 2333)

A BILL FOR

1 An Act relating to renewable fuels, by providing for biobutanol
2 and biobutanol blended gasoline, modifying the rate of
3 the E-15 plus gasoline promotion tax credit and extending
4 provisions for a biodiesel production refund, and including
5 effective date and retroactive applicability provisions.
6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5886SV (3) 85
da/nh



Iowa General Assembly
Daily Bills, Amendments and Study Bills
March 24, 2014

S.F. 2344

1 DIVISION I
2 BIOBUTANOL AND BIOBUTANOL BLENDED GASOLINE
3 Section 1. Section 159A.2, subsection 1, Code 2014, is
4 amended to read as follows:
5 1. ~~"Biodiesel"~~ and "Biobutanol", "biobutanol blended
6 gasoline", "biodiesel", "biodiesel blended fuel", "ethanol",
7 "ethanol blended gasoline", and "renewable fuel" mean the same
8 as defined in section 214A.1.
9 Sec. 2. Section 159A.2, subsections 5 and 8, Code 2014, are
10 amended by striking the subsections.
11 Sec. 3. Section 159A.3, subsection 3, paragraph a, Code
12 2014, is amended to read as follows:
13 a. A chief purpose of the office is to further the
14 production and consumption of ethanol blended gasoline and
15 biobutanol blended gasoline in this state. The office shall
16 be the primary state agency charged with the responsibility
17 to promote public consumption of ethanol blended gasoline and
18 biobutanol blended gasoline.
19 Sec. 4. Section 159A.6, subsection 1, paragraph d, Code
20 2014, is amended to read as follows:
21 d. Promote the advantages related to the use of coproducts
22 derived from the production of renewable fuels, including the
23 use of coproducts used as livestock feed or meal. Promotions
24 shall be designed to inform the potential purchasers of the
25 advantages associated with using coproducts. The office shall
26 promote advantages associated with using coproducts of ethanol
27 and biobutanol production as livestock feed or meal to cattle
28 producers in this state.
29 Sec. 5. Section 214.1, subsection 1, Code 2014, is amended
30 to read as follows:
31 1. ~~"Biodiesel"~~, ~~"biodiesel fuel"~~, ~~"biofuel"~~, ~~"ethanol"~~,
32 ~~"motor fuel"~~, "Motor fuel", "retail dealer", "retail motor
33 fuel site", and "wholesale dealer" mean the same as defined in
34 section 214A.1.
35 Sec. 6. Section 214A.1, Code 2014, is amended by adding the

LSB 5886SV (3) 85

-1-

da/nh

1/7



Iowa General Assembly
Daily Bills, Amendments and Study Bills
March 24, 2014

S.F. 2344

1 following new subsections:

2 NEW SUBSECTION. 2A. "*Biobutanol*" means isobutyl alcohol
3 that is to be blended with gasoline if it meets the standards
4 provided in section 214A.2.

5 NEW SUBSECTION. 2B. "*Biobutanol blended gasoline*" means a
6 formulation of gasoline which is a liquid petroleum product
7 blended with biobutanol, if the formulation meets the standards
8 provided in section 214A.2.

9 Sec. 7. Section 214A.1, subsections 6 and 23, Code 2014, are
10 amended to read as follows:

11 6. "*Biofuel*" means ethanol, biobutanol, or biodiesel.

12 23. "*Renewable fuel*" means a combustible liquid derived
13 from grain starch, oilseed, animal fat, or other biomass; or
14 produced from a biogas source, including any nonfossilized
15 decaying organic matter which is capable of powering machinery,
16 including but not limited to an engine or power plant.

17 Renewable fuel includes but is not limited to biofuel, ethanol
18 blended gasoline, biobutanol blended gasoline, or biodiesel
19 blended fuel meeting the standards provided in section 214A.2.

20 Sec. 8. Section 214A.1, subsection 32, unnumbered paragraph
21 1, Code 2014, is amended to read as follows:

22 "*Unleaded gasoline*" means gasoline, including ethanol
23 blended gasoline or biobutanol blended gasoline, if all of the
24 following applies:

25 Sec. 9. Section 214A.2, subsection 1, Code 2014, is amended
26 to read as follows:

27 1. The department shall adopt rules pursuant to chapter
28 17A for carrying out this chapter. The rules may include but
29 are not limited to specifications relating to motor fuel,
30 including but not limited to renewable fuel such as ethanol
31 blended gasoline, biobutanol blended gasoline, biodiesel,
32 biodiesel blended fuel, and motor fuel components such as an
33 oxygenate. In the interest of uniformity, the department shall
34 adopt by reference other specifications relating to tests and
35 standards for motor fuel, including renewable fuel and motor

LSB 5886SV (3) 85

-2-

da/nh

2/7



Iowa General Assembly
Daily Bills, Amendments and Study Bills
March 24, 2014

S.F. 2344

1 fuel components, established by the United States environmental
2 protection agency and A.S.T.M. international.

3 Sec. 10. Section 214A.2, subsection 3, Code 2014, is amended
4 by adding the following new paragraph:

5 NEW PARAGRAPH. *c.* If the motor fuel is advertised for sale
6 or sold as biobutanol blended gasoline, the motor fuel must
7 comply with departmental standards which shall meet all of the
8 following requirements:

9 (1) Biobutanol must be an agriculturally derived isobutyl
10 alcohol that meets A.S.T.M. international specification
11 D7862 for butanol for blending with gasoline for use as
12 automotive spark-ignition engine fuel, or a successor A.S.T.M.
13 international specification, as established by rules adopted
14 by the department.

15 (2) Gasoline blended with biobutanol must meet requirements
16 established by rules adopted in part or in whole based on
17 A.S.T.M. international specification D4814.

18 Sec. 11. Section 214A.2, subsection 5, Code 2014, is amended
19 to read as follows:

20 5. a. Ethanol blended gasoline shall be designated E-xx
21 where "xx" is the volume percent of ethanol in the ethanol
22 blended gasoline ~~and biodiesel.~~

23 b. Biobutanol blended gasoline shall be designated
24 Bu-xx where "xx" is the volume percent of biobutanol in the
25 biobutanol blended gasoline.

26 c. Biodiesel fuel shall be designated B-xx where "xx" is the
27 volume percent of biodiesel.

28 Sec. 12. Section 214A.3, subsection 2, paragraph b, Code
29 2014, is amended by adding the following new subparagraph:

30 NEW SUBPARAGRAPH. (02) A person shall not knowingly falsely
31 advertise biobutanol blended gasoline by using an inaccurate
32 designation as provided in section 214A.2.

33 Sec. 13. Section 214A.5, subsection 2, Code 2014, is amended
34 to read as follows:

35 2. A wholesale dealer selling ethanol blended gasoline,

LSB 5886SV (3) 85

-3-

da/nh

3/7



Iowa General Assembly
Daily Bills, Amendments and Study Bills
March 24, 2014

S.F. 2344

1 biobutanol blended gasoline, or biodiesel blended fuel to
2 a purchaser shall provide the purchaser with a statement
3 indicating its designation as provided in section 214A.2. The
4 statement may be on the sales slip provided in this section
5 or a similar document, including but not limited to a bill of
6 lading or invoice.

7 Sec. 14. Section 214A.16, subsection 1, Code 2014, is
8 amended by adding the following new paragraph:

9 NEW PARAGRAPH. *0d.* If biobutanol blended gasoline is sold
10 from a motor fuel pump, the motor fuel pump shall have affixed
11 a decal identifying the biobutanol blended gasoline.

12 DIVISION II

13 E-15 PLUS GASOLINE PROMOTION TAX CREDIT

14 Sec. 15. Section 422.11Y, subsection 4, paragraph b, Code
15 2014, is amended to read as follows:

16 *b.* The designated rate of the tax credit for the following
17 three periods within each calendar year is as follows:

18 ~~(1) For calendar year 2012, calendar year 2013, and calendar~~
19 ~~year 2014~~

20 (1) For the first period beginning January 1 and ending May
21 31, three cents.

22 (2) For the second period beginning June 1 and ending
23 September 15, ten cents.

24 ~~(3) For calendar year 2015, calendar year 2016, and calendar~~
25 ~~year 2017~~ the third period beginning September 16 and ending
26 December 31, two three cents.

27 Sec. 16. EFFECTIVE DATE. This division of this Act, being
28 deemed of immediate importance, takes effect upon enactment.

29 Sec. 17. RETROACTIVE APPLICABILITY. Section 422.11Y,
30 as amended in this division of this Act, and section 422.33,
31 subsection 11D, as applied through section 422.11Y, as amended
32 in this division of this Act, apply retroactively to tax years
33 beginning on and after January 1, 2014.

34 DIVISION III

35 BIODIESEL PRODUCTION REFUND

LSB 5886SV (3) 85

da/nh

4/7



Iowa General Assembly
Daily Bills, Amendments and Study Bills
March 24, 2014

S.F. 2344

1 Sec. 18. Section 423.4, subsection 9, paragraphs b and e,
2 Code 2014, are amended to read as follows:

3 b. The amount of the refund shall be calculated by
4 multiplying a designated rate by the total number of gallons
5 of biodiesel produced by the biodiesel producer in this state
6 during each quarter of a calendar year. The designated rate
7 shall be as follows:

8 ~~(1) For the calendar year 2012, three cents.~~

9 ~~(2) For the calendar year 2013, two and one-half cents.~~

10 ~~(3) For the calendar year 2014, two cents.~~

11 e. This subsection is repealed on January 1, ~~2015~~ 2020.

12 EXPLANATION

13 The inclusion of this explanation does not constitute agreement with
14 the explanation's substance by the members of the general assembly.

15 GENERAL. This bill provides for the regulation and
16 promotion of renewable fuel, including by creating a new class
17 of biofuel referred to as biobutanol and the corresponding
18 biobutanol blended gasoline (Code chapter 214A). The bill
19 also amends provisions establishing an E-15 plus promotion tax
20 credit due to expire on January 1, 2018 (Code sections 422.11Y
21 and 422.33(11D)), and a biodiesel producer refund which is due
22 to expire on January 1, 2015 (Code Section 423.4(a)).

23 BIOBUTANOL AND BIOBUTANOL BLENDED GASOLINE — REGULATION.

24 The bill amends provisions regarding the regulation of
25 motor fuel, including biofuels and renewable fuel, by the
26 department of agriculture and land stewardship. It classifies
27 biobutanol as a biofuel (together with ethanol and biodiesel)
28 and biobutanol blended gasoline as a renewable fuel (together
29 with ethanol blended gasoline and biodiesel blended fuel).
30 Biobutanol is isobutyl alcohol that is blended with gasoline.
31 The bill establishes specifications for biobutanol and
32 biobutanol blended gasoline, including specifications based on
33 A.S.T.M. international standards, similar to specifications
34 for ethanol, ethanol blended gasoline, biodiesel, and
35 biodiesel blended fuel. The bill amends related provisions for

LSB 5886SV (3) 85

-5-

da/nh

5/7



Iowa General Assembly
Daily Bills, Amendments and Study Bills
March 24, 2014

S.F. 2344

1 designating biobutanol blended gasoline (Code section 214A.2),
2 the advertising of biobutanol blended gasoline (Code section
3 214A.3), documentation required to be maintained by wholesale
4 and retail dealers (Code section 214A.5), and the labeling of
5 motor fuel pumps (Code section 214A.16). Other provisions in
6 the Code chapter refer to biofuels, including those regulating
7 testing procedures (Code sections 214A.2B and 214A.7). The
8 bill requires that the office of renewable fuels and coproducts
9 promote the use of biobutanol and biobutanol blended gasoline
10 (Code chapter 159A). In addition, a number of other Code
11 chapters refer to biofuel or renewable fuel as defined in Code
12 section 214A.1, including provisions that are administered
13 by the department of agriculture and land stewardship (Code
14 chapters 159 and 203), that regulate certain supply agreements
15 (Code section 323.4A), and that are administered by the
16 department of revenue (Code chapters 422 and 452A).

17 E-15 TAX CREDIT. The E-15 plus gasoline promotion tax
18 credit is calculated on the total gallons of ethanol blended
19 gasoline, classified as E-15 and higher, and sold and dispensed
20 by a retail dealer (see Code section 214A.1) during each
21 quarter. The amount of the tax credit equals a constant
22 (designated) rate multiplied by the total number of gallons of
23 E-15 or higher sold and dispensed by the retail dealer during
24 a calendar year assuming the retail dealer's tax year is on a
25 calendar year basis. A designated rate of 3 cents applies to
26 each calendar year from 2012 through 2014. The designated rate
27 is then reduced to 2 cents which will apply to each calendar
28 year from 2015 through 2017 when the tax credit expires. The
29 same calculations are applied to retail dealers whose tax
30 years are not based on a calendar year (701 IAC 42.46). The
31 bill revises the designated rate for three periods of time
32 within a tax year (either based on a calendar or alternative
33 fiscal year). For the first period (January 1 through May 31),
34 the rate is 3 cents; for the second period (June 1 through
35 September 15), the rate is 10 cents; and for the third period

LSB 5886SV (3) 85

-6-

da/nh

6/7



Iowa General Assembly
Daily Bills, Amendments and Study Bills
March 24, 2014

S.F. 2344

1 (September 16 through December 31), the rate returns to 3
2 cents. This revision takes effect upon enactment of the bill
3 and applies retroactively to January 1, 2014.
4 BIODIESEL PRODUCER REFUND. A biodiesel producer is
5 engaged in the manufacture of biodiesel which is a renewable
6 fuel derived from vegetable oils or animal fats for use in
7 biodiesel blended fuel; an alternative to diesel fuel (Code
8 section 214A.1). The amount of the refund equals a constant
9 (designated) rate multiplied by the total number of gallons
10 of biodiesel produced by the biodiesel producer in this state
11 during each quarter of a calendar year. The biodiesel producer
12 receives the refund amount after subtracting any amount of
13 sales or use tax owed by the biodiesel producer (701 IAC
14 12.18). In addition, a biodiesel producer cannot claim a
15 refund on more than 25 million gallons of biodiesel produced
16 during a calendar year at any one manufacturing facility. A
17 designated rate of 3 cents applied to calendar year 2012. The
18 designated rate was reduced to 2.5 cents for calendar year 2013
19 and to 2 cents for calendar year 2014 after which it expires.
20 The bill extends the period in which the 2-cent rate applies
21 for five additional calendar years through 2019.